



1 December 2025

Email: Friendsofpoyntonpool@gmail.com

OPEN LETTER to:

Nick Mannion, Leader
Rob Polkinghorne, Chief Executive Officer
Kevin O'Keefe, Monitoring Officer
Cheshire East Council
Delamere House, Delamere Street
Crewe, CW1 2LL

Dear Councillor Mannion, Mr Polkinghorne, and Mr O'Keefe,

Poynton Pool Spillway Application 23/4152M — Procedural Irregularities Preventing Lawful Determination

I am writing to formally notify you of several procedural and statutory failures relating to the above application which, taken individually or collectively, mean that the application cannot lawfully be determined at the upcoming Strategic Planning Board meeting on 16 January 2026.

This letter is not concerned with technical opinion. It is concerned solely with procedure, statutory compliance, and the Council's legal duties as applicant and as Local Planning Authority.

Late publication of statutory Flood Study (8 months overdue)

The 2024 Section 10 Inspection Report, at 13.2 *Measures to be taken in the interests of safety under Section 10(3) (c)* stated:

As a Category B dam retaining a reservoir which poses a risk to life and damage to those living downstream, I recommend that:

- a) *"the input data and methodology for the Jacobs 2019 flood study is reviewed. This shall include the overflow dimensions and levels along with the derivation of the incoming flows to the reservoir during the annual probability of exceedance for 0.01% (1:100), 0.001% (1:1000) and 0.0001% (1:10,000). This recommendation should commence at the earliest opportunity and be completed by 17 January 2025."*

b) *“the outcome of the flood study review (Recommendation a)) should be reviewed by an All Reservoir Panel Engineer. If the flood study is found to be unsatisfactory then the flood study shall be updated to the satisfaction of an All Reservoir Panel Engineer. This recommendation should commence at the earliest opportunity and be completed by 28 February 2025.”*

The Flood Study was not completed by 28 February 2025. On 6 October 2025, Friends of Poynton Pool were advised that the applicant had received the updated Flood Study and it was released to us and Poynton Town Council on the 17 October 2025, the same day the application consultation commenced.

The applicant did not comply with this statutory requirement of the 2024 Section 10 Report. That the document was released at the statutory deadline for planning consultation leads to the suspicion that the applicant held this information back from the community.

Required Geotechnical Investigation still not carried out

The 2019 Flood Study recommended a geotechnical investigation of the embankment. No such investigation has been undertaken.

Submitting or determining a reservoir safety scheme in the absence of required investigations is functionally and procedurally unsafe and places the Council at risk of both liability and legal challenge.

Strategic Planning Board (SPB) Instructions from April 2024 not complied with

At the April 2024 SPB, the decision was deferred for the following reasons:

1. To consider and update where necessary any inaccuracies in the submitted data to ensure modelling is accurate.
2. To review the current condition and risks associated with the existing dam wall, and the impact caused by removal of trees on the dam.
3. Encourage engagement with third parties to consider / explain alternatives.
4. To instigate a further independent view, if necessary.
5. To review the location of the proposed mitigation and consideration of any alternatives

None of these reasons have been satisfactorily addressed.

1. A multitude of errors and omissions remain. The following examples a-f illustrate that the April 2024 SPB deferral reasons have not been discharged:
 - a. We have received advice from an Emeritus Professor of Experimental Physics at The University of Manchester who advises *“The model used to simulate conditions at Poynton Pool has not been calibrated, and it has not been validated. Without these procedures, the model is essentially useless as a predictive tool...”* This is not new information; it was submitted to the planning portal during the consultation period.
 - b. The 2025 Flood Study states: *“The Poynton Lake Reservoir catchment is a small ungauged catchment. Flow estimates for small ungauged catchments are open*

to greater uncertainty than for large gauged catchments". The direct catchment is greatly overestimated. The applicant has been provided with clear factual evidence, from a study by ADAS (the UK's largest independent agricultural and environmental consultancy, and provider of science-based advice and applied research), that in a previous planning application for open cast coal mining to the east of Towers Road, it was stated "*The natural and artificial discharges flow into the surface water streams, principally the Norbury Brook*". It is insufficient that the design engineer/CE says that he has walked the direct catchment and in his opinion the drainage into Norbury Brook would make no difference to the need for the application proposal. To contradict or dismiss the previous drainage study requires evidence and none has been presented.

- c. The 2024 bathymetric survey commissioned by the Environment Agency found that the volume of water was significantly reduced from the modelled estimate of 130,000m³ to 75,600m³ at Low Water Level. Additionally, it was identified that 40% of the volume is silt and that at the dam's crest the volume was reduced from 175,800m³ to 96,680m³. The Environment Agency flood inundation maps which have been used by the applicant to calculate the consequences of a dam breach, and justify the planning application, are based on the original inaccurate estimates.
- d. Residential drainage that is directed away from the Pool has been explicitly ignored.
- e. The indirect catchment has been included but the artificial intake can be closed at any time.
- f. The Flood study states: "*Historic flooding information could give verification data for the model. It is assumed that such information is not available.*" Inflows and outflows have not been monitored and are unknown. However, Friends of Poynton Pool has reviewed the anecdotal records from known major historic flood events and monitored the overflow during recent major flood events, but this information has been ignored. The reservoir has never been observed to come close to overtopping either by rise in the stillwater level or wave topping. The obvious conclusion is that, as advised by Professor Lafferty as referenced at 1a above, the Flood Model does not accurately predict flows for this small ungauged catchment. This raises the question why this is not the case, and there are 3 potential explanations:
 - i. The inflow to the pool is less than predicted because the model is flawed, either due to wrong inputs or coding errors
 - ii. There is significant seepage through the embankment, which may be a design feature
 - iii. A combination of both these factors

2. Even though the engineers who produced the 2019 Flood Study recommended a

site investigation, the submitted scheme has been designed by the same engineers in the absence of such an investigation and the risk to the embankment and therefore the effects of the proposed works on downstream flood risk have not been adequately considered.

3. Whilst the applicant's officers and engineers may claim that they have engaged with third parties in that they have met with Poynton Town Council and the Friends of Poynton Pool Community group, this has been an inferior kind of engagement, where it is clear to us that the applicant has sought only to demonstrate that it has fulfilled this request. At the time of writing, there is an amended proposal being developed without stakeholder consultation.
4. There has been no independent review of the application proposal and alternative solutions. Only the Flood Study has been independently reviewed and as discussed above at 1.a. this is an uncalibrated model that is the subject of serious professional criticism from both a Reservoirs Engineer and a Professor of Experimental Physics. Any suggestion that the 2024 Section 10 Inspecting Engineer (Arup) has reviewed the proposal is roundly rebutted. We have seen no evidence of such a review and in our five meetings with the applicant and Poynton Town Council there has been no suggestion of such a review.
5. We have seen no evidence that the location of proposed mitigation has been reviewed.

Material misalignment between applicant statements and officer advice

Statements made in emails to Friends of Poynton Pool and Poynton Town Council by the Director of Growth and Enterprise on 11 November 2025 and the Planning Case Officer on 12 November 2025 are in conflict with the significant changes being made to the application proposal. These changes and the aforementioned emails present conflicting accounts of the application's readiness for determination. The changes are not being made available to the community until the deadline for the start of consultation for the SPB on 16 January 2026. Twenty months have elapsed since SPB deferred the application and the community is being given three weeks to assess the changes and respond through formal consultation

This inconsistency points to unresolved procedural steps and reinforces the need for procedural clarity before any further progression.

New Information and viable alternatives

At Strategic Planning Board (SPB) in April 2024, it was stated by the Planning Case Officer that there were no viable alternatives. This was incorrect and misled the SPB. At a meeting at Macclesfield Town Hall, the design Engineer/CE stated the Planning Case Officer was wrong to say this.

At meetings held at Macclesfield Town Hall with the applicant, the Construction Engineer, Friends of Poynton Pool community group, and Poynton Town Council, the applicant's officers, the Inspection Engineer, and the Construction Engineer accepted that viable alternatives to the application proposal exist. An alternative proposed by Friends of which

would have a minimal impact on trees was accepted as viable.

Consultation was incomplete

Key documents were either:

- unavailable,
- published late, or
- absent entirely during the consultation period.

Releasing the updated Flood Study on the day consultation commenced meant residents and consultees did not have access to that statutory document during the consultation period. As such, the consultation was procedurally defective and cannot safely support a lawful determination.

An incomplete consultation period is procedurally unsound and exposes the Local Planning Authority to challenge if determination proceeds.

Miscommunication of risk

At 13.2 (e), the 2024 Section 10 report states: *“The review may include a risk based approach to reduce risk to the downstream public to ALARP”*. This statement indicates that the risk from the reservoir had been either miscommunicated to or misunderstood by the Section 10 Inspecting Engineer. The applicant officers, the design engineer/CE, the Planning Case Officer, and the Environment Agency all know that the risk from the pool is already within the ALARP range of risk (HSE. 2021. *Reducing Risks Protecting People*). The risk had been erroneously communicated to the applicant in the Jacobs *Poynton Lake, Spillway Upgrade: Initial Options Report* dated 11 June 2021 where, at 4.6 it is stated *“The estimated LLOL and index probabilities of dam failure were plotted on an FN chart, see Figure 3.2. This indicates that the current risk for the upper dam lies within the unacceptable zone.”* This was incorrect and the risk boundaries had been incorrectly plotted. When Friends of Poynton Pool brought this to the applicant’s attention, the chart was corrected and an updated Options Report was issued, but deceptively, this report was not submitted with the planning application.

The miscommunication of risk has also misinformed the allocation of financial resources to the project with in the region of £700,000 spent to date with no reduction in risk.

Legal Consequence

Given the above, the application cannot properly or lawfully be placed before SPB on 16 January 2025.

The procedurally safe route, consistent with statutory obligations and Cheshire East’s own governance framework, is:

- Withdraw the application
- Commission a new Section 10 Inspection
- Re-consult based on complete, validated information

This path is supported by the Area Director of the Environment Agency, who advised he would not oppose a new S10 inspection.

Since the delivery of the 2024 Section 10 Report, there have been material changes in the information available to the inspector, including:

- Arboricultural advice and technical evidence on the management of trees on dam embankments.
- The nature of the embankment, identified from our testing that identifies the embankment as constructed in part from a granular material which is contrary to the Section 10 report, which assumes a locally won cohesive material.
- The depth of the pool and the profile of the embankment as identified by the bathymetric survey.

Request

In your capacities as Leader of the council, Chief Executive Officer, and Monitoring Officer, we request written confirmation of how the Council intends to address the procedural failures listed above, and whether the application will be withdrawn or deferred pending completion or rectification of the missing and defective procedural steps.

We would welcome constructive engagement to ensure the process is legally robust, transparent, and based on complete information for the benefit of both the Council and the community.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'M J Ellison', written in a cursive style.

M J Ellison (Chair)

Friends of Poynton Pool Ltd

Cc: David Malcolm, Head of Planning, Cheshire East Council

Ian Crewe (Environment Agency Area Director)

Haf Barlow, Poynton Town Council

Tim Roca, Member of Parliament for Macclesfield