

SUPPLEMENTARY NOTES TO THE NOVEMBER 2023 AGENDA

Correspondence item a)

“De-watering has been discussed with the owner and/or their representatives on a number of occasions. The main discussions in relation to de-watering have been in relation to risk management and to reiterate the remaining actions required before de-watering could commence. The factors influencing if and when the de-watering would commence have changed over time. The recent updates in relation to the Lancashire County Council Planning case may again influence the owner's decision making on de-watering.”

Correspondence item b)

“Briefing Note on East Quarry, Appley Bridge East Quarry is a former sandstone quarry located in Appley Bridge., West Lancashire. The quarry is now flooded to a considerable depth and there are longstanding problems with unauthorised access and public safety of children / youths.

The landowner wishes to infill the quarry with inert waste therefore removing the water dangers at the site. In 2022, the landowner applied for a certificate of lawful development in order to gain a confirmation from the County Council that the infilling of the quarry could be carried out under permitted development rights without the need to make a formal planning application.

Under Town and County Planning legislation, permitted development rights do not apply where the proposed development would be of a scale, type or location where it would require Environmental Impact Assessment.

In order to consider the landowner's request for a certificate of lawful development, the County Council had to consider whether the infilling of the quarry could be undertaken under permitted development rights and also whether the proposed development would require Environmental Impact Assessment.

On the first question, the County Council concluded that the permitted development rights relied upon by the landowner would not permit the infilling of the quarry. It also carried out an EIA screening opinion to establish the need for Environmental Impact Assessment and concluded that the infilling works would be EIA development. Although Government guidance on EIA screening states that inert only landfill proposals should not normally need EIA, the County Council concluded that there were sufficient complexities and impacts in terms of flooding, groundwater and traffic at this site to bring the development within the EIA process.

The landowner appealed against the refusal of the lawful development certificate application and also asked the Secretary of State for an EIA screening direction.

The Secretary of State published the screening direction on 13 th October 2023 and has concluded that the proposed development is EIA development therefore confirming the County Council's decision. This means that the permitted development rights cannot apply and therefore the Lawful Development Certificate appeal will not need to be determined.

The landowner now has two options 1) apply for a judicial review of the Secretary of States screening decision (if overturned, it would leave the LDC appeal still needing to be determined and found in favour of the landowner) or 2) make a planning application for the infilling of the quarry accompanied by an Environmental Statement.”

Correspondence item d)

“Thank you for your email dated 3 October 2023, on behalf of Wrightington Parish Council, regarding the lack of grass cutting, road sweeping and gully emptying in the Parish. Angie Ridgwell, Chief Executive has asked me to respond on her behalf and I will respond to each issue in order.

As part of our public realm agreement, West Lancashire Borough Council (WLBC) maintain highway grass verges in Wrightington on our behalf. We acknowledge, and agree, that one cut to date is entirely unacceptable. Our local highways operations manager has been trying to address this with colleagues at WLBC for some time, but largely without success. I am sorry for any inconvenience this may have caused.

In the past few days, WLBC have finally provided some limited information about their grass cutting schedule.

However, this is nowhere near comprehensive enough. We have therefore asked that they provide us with a detailed schedule as soon as practical. We have also instructed them to undertake a second cut in the Wrightington area as soon as practical. As we are still awaiting a detailed schedule of works, we are not yet able to say when WLBC will be on site.

I should point out that our primary concern when maintaining highway verges is not the aesthetic appearance. Our focus instead is on making sure that any growth does not present a road safety hazard. We are also eager to preserve the ecology and bio-diversity status of all our grass verges. We must therefore carefully consider the environmental impact of any works.

The location of a highway verge helps dictate how often we cut it, and to what extent. However, we may delay some cuts for bio-diversity reasons, such as when we take part in the 'No Mow May' campaign. We may also omit certain bulb planted areas until their foliage dies back.

As agreed by Cabinet on 3 November 2022, we will cut a one metre 'safety swathe' adjacent to the carriageway to help maintain sightlines. We will leave the remainder of the grass verge uncut, except for any winter thinning or coppicing we deem necessary, or for the control of noxious weeds. We may also delay certain cuts for the reasons outlined above.

You can find more information about our grass verge maintenance standards in our online Lancashire County Council Highway management plan.

Although WLBC usually carry out street cleansing, we do pay them to conduct an extra sweep of the district's main arterial roads during Autumn. This helps prevent leaf litter from covering or blocking highway gullies.

As is the case across the county, Wrightington Parish has a mixture of high priority gullies and reactive gullies. We cleanse the former every 12 months, and the latter when notified of a potential problem. Historically, when we visited every highway gully in the county annually, we often did not need to carry out any work. Our current approach is based on officers' considerable local knowledge, the findings of our jetting teams, and reported problems. We find it far more cost effective, but flexible enough to change when local circumstances dictate. I have listed all of the roads in Wrightington at the end of this letter, along with any details of recent and/or planned activity. Any roads in the parish which are not on this list are cleaned on a reactive basis.

The report of problems on Appley Lane North near to the junction with Skull House Lane are not caused by blocked gullies. We have completed a repair on the very old stone culvert that crosses the junction with Skull House Lane recently. This has helped but there is a capacity issue on the culvert which is evident in heavy rainfall which needs further investigation.

If residents would like to report any blocked gullies in future, please encourage them to use the Love Clean Streets mobile app. This is the quickest way to report them, and it provides many benefits. It is simple to use, and it allows anyone to log an issue in seconds. Users can track the progress of their report, add photos, and use the 'location' service on their mobile device to pinpoint an issue.

This extra information is very useful, as it allows us to locate and address a reported problem quickly. It can also allow us to deploy a repair team without the need for an initial site inspection, saving even more time.

Local residents can find the app by searching for 'Love Clean Streets' on the Apple Store or the Google Play Store. Our customer service telephone helpline, 0300 123 6780, provides another means of reporting highways issues to us quickly. Particularly those who cannot access online services."

Correspondence item g)

" WEST QUARRY / RAILWAY TERMINAL AND PAD, APPLEY BRIDGE

I write further to the recent correspondence received by the Council from residents and other interested parties regarding alleged unauthorised development at the above sites. This letter is intended to outline the Council's current position on these matters as a means to help provide reassurance that the Council is taking these matters seriously.

West Quarry

With regard to the West Quarry site, the Council served an Enforcement Notice on 13 October 2022, which took effect on 30 November 2022. The Notice identified the breach of planning control as the laying of road plainings within part of the larger West Quarry site, requiring:

- the road plainings to be broken up;
- removal from the site of the road plainings; and
- restoration/reinstatement to a natural state the land on which the road plainings were laid, to a natural state consisting only of natural soil and vegetation.

The Enforcement Notice was not appealed, and the period for compliance with the Notice was no later than February 2023. In the period since, Officers have been in discussion with colleagues in the Council's Legal Department regarding possible prosecution proceedings. I hope you will understand that it is therefore not possible to provide any further detail at this time so as not to prejudice any legal action the Council may take. It is a matter for the Council acting as Local Planning Authority (LPA), whether a prosecution is justified in any case.

Railway Terminal and Pad

Regarding the reported breach of planning control at the Railway Terminal and Pad, Appley Lane North, the Council has investigated this matter in line with its published Planning Enforcement Policy. The Council has been in regular discussion with the developer's representatives on the matter, emphasising that the issue is causing significant local concern. A planning application has been received [with a view to regularising the breach], and whilst currently

deemed invalid, the applicant's representatives have engaged positively and proactively with Officers to identify the scope of the required submissions. Once validated, the application will be publicised allowing a full opportunity for comment on its merits.

The Council is also aware [from the correspondence it has received] of calls to serve an immediate Stop Notice on the site. However, this has not been considered expedient at the current time given the submission of a planning application. It is also not considered expedient to serve an Enforcement Notice at this time, as such a Notice is capable of being appealed and could allow the resultant harm to continue for a further period. However, the service of either Notice will remain under review should circumstances change or if the Council were to deem any resultant planning application unacceptable once it has undertaken a fair and balanced assessment of relevant planning issues.

This approach reflects advice from Central Government that an LPA should discuss, whenever practicable, with the person carrying on an activity which could constitute a breach of development control, whether there is any alternative which would overcome the objections to it in an environmentally and legally acceptable way.

The Council is also aware of various concerns expressed to Officers over recent weeks regarding noise, dust and traffic. However, it is considered that it would be appropriate to deal with this through the submission of a formal planning application and such a stance is both reasonable and appropriate.

More generally, the Council has received various complaints regarding activity at the above sites. Not all these issues can be addressed by the Council and the following list is provided to residents or interested parties to help direct their concerns to the relevant agency.

- If there are concerns relating to health and safety in relation to construction work activities, concerns should be reported directly to the Health and Safety Executive (HSE) who will be able to investigate as appropriate. Details as to how to report such a concern is available at www.hse.gov.uk/contact/tell-us-about-a-health-and-safety-issue.htm

- If there are concerns relating to alleged breaches of planning control, these can be reported via the Council's Planning Enforcement webpage Planning Enforcement & Appeals - West Lancashire Borough Council available at www.westlancs.gov.uk/planning. This will enable further investigation in line with the Council's Planning Enforcement policy - a copy of which is available at the above webpage.

- Matters in relation to dangerous parking, debris on the highway or other highways concerns can be raised directly with the Highways Team (www.lancashire.gov.uk/roads-parking-and-travel/report-it) at Lancashire County Council and the Police. The Driver and Vehicle Standards Agency (DVSA) (www.gov.uk/guidance/report-a-lorry-bus-or-coach-driver-or-company#before-you-make-your-report) may also be able to assist in relation to HGV driver/company concerns.

- If there are concerns in relation to activities on site and possible impact on the landfill infrastructure or leachate to groundwater or water courses or in relation to waste activities, these can be reported directly to the Environment Agency (www.gov.uk/report-an-environmental-incident).

- If there are concerns relating to the loss of trees and hedgerows these can be reported directly to the Council's Environmental Services team on 01695 577177 or where appropriate to the Forestry Commission (www.gov.uk/government/organisations/forestry-commission).

- If there are concerns relating to nuisance from noise and dust arising from premises and impacting on people in their own properties, these concerns can be reported to our Environmental Health team via envhealth.admin@westlancs.gov.uk so these issues can be investigated.

The Council is aware of the significant ongoing concern and interest within the community regarding these sites. This in turn requires a significant amount of Council resource to coordinate and respond to these individual queries. In providing the information in this letter it is hoped that the Council can provide reassurance that these matters are being taken forward with the priority they deserve. We would therefore ask that any future queries or concerns are made only where new information and/or a significant change in circumstances is evident at either site. Whilst it is understandable, repeating or reaffirming existing concerns that have already been acknowledged by the Council do not add weight to the existing case.

However, the Council does understand the need to keep residents and interested parties informed and will seek to provide an update when more information is available. We would expect this to be by the end of November 2023."
