



FOI 18671 (see response below after detailed questions)

I am writing under the Environmental Information Regulations 2004 (EIR) to request environmental information held by Wigan Council relating to Planning Application A/23/96226/MAJOR, the proposed development of four warehouses in Astley by PLP Logistics and Peel L&P (Peel Holdings). As a local resident directly affected by this proposal, and given the significant public interest in the environmental and amenity impacts of the scheme, please disclose the information below. For the avoidance of doubt, I consider all requested material to be "environmental information" within the meaning of regulation 2(1) (including measures such as policies, plans, activities and decisions affecting elements of the environment such as land, air, noise, light, and factors like traffic). For the avoidance of doubt, 'correspondence' refers to any written or recorded message exchanged for business purposes, and includes but is not limited to: email, memos, notes, meeting minutes, instant messenger (WhatsApp, etc), in-app messages (CRM comment threads; vendor portal messages), presentations, discussions, letters, faxes, newsletters, formal notices, PR releases, SMS/text messages, social media, voicemail transcripts, call summaries, meeting chat (Zoom, Teams, etc), automated system notifications, AI-generated messages, document attachments and edits to shared documents including comments.

1) Correspondence with the applicant/developers

All recorded correspondence between any officer, councillor or representative of Wigan Council and any representative of:

- PLP Logistics
- Peel L&P (Peel Holdings)
- Any agents acting on their behalf (including but not limited to planning consultants, legal representatives, PR firms).

2) Internal Council communications

All recorded internal correspondence between council officers and/or councillors concerning this application, including discussions about:

- Pre-application advice
- Site viability
- Impact to local residents
- Officer assessments and recommendations
- Consideration of Noise, Traffic and Environmental Impact Assessments.

3) Meetings: notes, minutes and materials

All minutes, notes, agendas and presentation materials from any meetings about this development that are not already published, including:

- Pre-application meetings
- Internal officer meetings
- Meetings between council representatives and the applicant or their agents
- Any informal/unminuted meetings for which handwritten or electronic notes exist.

4) Planning and assessment reports (drafts and internal work)

Any internal or draft reports, correspondence, assessments or professional opinions commissioned or produced by the Council regarding this development that were not published on the planning portal, including (but not limited to):

- Draft officer reports
- Viability assessments
- Independent analyses of the applicant's Noise, Traffic and Environmental Impact Assessments.

5) Public consultation and resident engagement

All correspondence and recorded information relating to public consultation on this development, including:

- Evidence of attempts to contact impacted residents
- Records identifying which homes/residents were included in consultation exercises
- Internal and external records about public responses
- Details of mitigating conditions proposed/applied in response to consultation feedback.

6) Amendments and justification for B8 use next to homes

All correspondence, documents and records detailing:

- All changes to the proposal since initial submission/approval and the reasons for those changes
- The reasoning and justifications for permitting **B8** in close proximity to a primarily residential area.

7) Local Plan Core Strategy policies

Please provide all correspondence, reports, notes and assessments disclosing how the application was considered and determined against the Wigan Local Plan Core Strategy (including, but not limited to: Wildlife (WHS1), Energy (E1), Open Space (CP2), Design (CP10), Environmental Protection (CP17)).

Please include internal correspondence, deliberations and professional opinions on compliance/contravention and any justification for approval in light of those policies.

8) Consideration of the Sept 2015 Planning Statement (Land at Chaddock Lane, Astley)

The 2015 Planning Statement (Barton Willmore LLP on behalf of Peel Investments) assessed the site's unsuitability for large-scale B8 logistics (e.g., distance from motorway links; A580 congestion and junctions; proximity to homes limiting 24/7 operations; ranking 29/35 sites for employment).

Please provide:

- All correspondence and records showing whether and how this evidence was considered in determining A/23/96226/MAJOR
- If not considered, all correspondence and records explaining why it was disregarded
- Any internal/external professional advice and correspondence on the site's suitability for B8/HGV traffic, and how this compared to the 2015 findings.

9) Consideration of Report to Planning Committee findings (11 June 2024)

The Committee Report and consultee comments (Transport for Greater Manchester, Salford City Council) noted capacity/suitability concerns (e.g., over-capacity A580/A577 junction; issues with the applicant's modelling; unsuitable local roads; adjacency to housing and a primary school; reliance on mitigation such as acoustic bunds/fencing; numerous objections) and stated that "the proposed development will significantly alter the character and appearance of the existing site". Please therefore disclose:

- Internal officer correspondence/discussions/notes/emails showing how these concerns were assessed and reconciled with recommendation/decision to approve
- Any correspondence /advice/reports (internal or external) on whether the network can accommodate 24-hour HGV traffic
- Correspondence/records explaining why flawed/incomplete traffic modelling was accepted
- Evidence of consideration of conflict between 24/7 B8 operations and adjacent residential/school uses, and why mitigation alone was deemed sufficient
- Any internal justification or legal advice on risk of challenge (highways unsuitability/residential amenity).

10) BRE 209 daylight/sunlight (25-degree guidance and full assessment)

Please disclose:

- All correspondence, evidence and calculations showing that the BRE 209 ("*Site Layout Planning for Daylight and Sunlight*") 25-degree guidance was applied to the proposed development in relation to neighbouring dwellings and their main habitable-room windows, including the date of testing, properties/windows assessed and the outcomes.
- Where any 25-degree check indicated potential failure or material impact, the full BRE-compliant daylight and sunlight assessment (as submitted to or relied on by the Council), including methodology, assumptions, plans/sections identifying assessed windows and amenity spaces, results and any mitigation considered or secured.

- If no BRE 209 testing/assessment was undertaken, all correspondence and records explaining why not and what alternative approach (if any) the Council relied upon when assessing daylight/sunlight and overshadowing impacts.

11) Vibration monitoring, reporting and compliance

Given the scale and proximity to homes, please disclose all records showing how the developer has been required to comply with relevant standards/regulation for construction vibration, including (but not limited to) **BS 7385-2:1993**, **BS 6472-1:2008**, the **Control of Pollution Act 1974**, and any planning conditions, namely:

1. All correspondence/internal communications/meeting notes/officer reports/external professional advice on vibration monitoring and reporting obligations
2. Any planning conditions requiring vibration monitoring/reporting, and the Council's monitoring of compliance
3. All vibration monitoring/reporting documents supplied by the developer to date (baseline surveys, ongoing data, exceedance logs, remedial actions)
4. Any correspondence and records explaining why continuous or real-time vibration monitoring was/was not required.

12) Consideration of National Planning Policy Framework (December 2024)

Please disclose all correspondence, internal discussions, notes, emails and other communications showing how relevant **NPPF** policies (noise, amenity, light, highway safety/severe residual impacts, appropriate siting of B8/B2 uses, high quality design) were assessed and reconciled with the recommendation/decision to approve.

13) Artificial Lighting / Light Pollution

Wigan Core Strategy – CP17 “Environmental protection” (March 2024) explicitly recognises light spillage as impacting people and wildlife and the night sky; developments must safeguard amenity/quality of life. Please disclose all correspondence and environmental information you hold on external lighting for this development, particularly effects on nearby residential properties, including:

1. **Assessments & policy tests:** Any Lighting Impact Assessments, spill/contour plots, glare evaluations, environmental zone classification (ILP GN01/21), and documents evidencing consideration of NPPF/PPG (Light) and local policy.
2. **Design & specs:** Luminaire schedules, mounting heights, aiming/tilts, shielding/louvres, Upward Light Ratio calculations, and **predicted vertical illuminance (Ev) at dwelling windows** (pre- and post-curfew), plus any revisions and related correspondence.
3. **Decisions & controls:** Officer notes/emails, consultee responses, and the **final planning conditions/obligations** governing lighting (curfews, dimming/PIR controls, hours), and any condition discharge/NMA that altered lighting.
4. **Operation, verification & complaints:** Any Lighting Management/Commissioning/Verification reports (post-installation readings at residential receptors), monitoring/enforcement records, complaints received, and the Council's responses.
5. **Construction lighting:** Documents controlling temporary/construction lighting (hours, aiming, shielding) and any related complaints/actions.

14) Environmental Impact Assessment (EIA) or Landscape and Visual Impact Assessment(LVIA)

For a development of this scale, it would typically be expected that either an Environmental Impact Assessment (EIA) or a Landscape and Visual Impact Assessment (LVIA) would be undertaken. It is noted that an LVIA was required for a significantly smaller Wigan planning application A/22/94882/MAJOR. I therefore request the following information:

- A copy of the EIA Screening Opinion issued by the local planning authority in respect of application A/23/96226/MAJOR.
- Copies of all correspondence, reports, notes or internal communications held by the authority relating to the consideration of whether an EIA or LVIA was required for this application, and the reasoning behind the decision taken.

15) Omission of Western Boundary Screening

The submitted landscaping diagrams clearly show 3-4 metre high bunds to the east, north and west to mitigate the visual impact of the development, plus trees and foliage bordering all residential edges of the scheme; however, no such/minimal screening has been or is being constructed on the

western side. Please disclose all information held about the omission of landscape screening (bunds, tree belts and other planting) on the western boundary.

Decisions & approvals

- Any decision, sign-off, approval, instruction or agreement (internal or with the applicant/agents) that authorised omitting or minimising the western boundary bunds/tree belts/planting.
- Officer reports/notes, Delegated or Committee decisions, condition wording/variations, Section 106/Deed of Variation correspondence (if relevant) addressing this change.

Design & technical records

- All versions of landscape drawings, cross-sections, planting schedules, maintenance/management plans, and drawing issue registers/change logs
- identifying when western screening was added, altered or removed (include CAD/PDF mark-ups and revision clouds).
- Any acoustic, visual, air-quality or lighting assessments and sensitivity/amenity analyses used to justify removing western screening, including advice from Environmental Health, Urban Design, Landscape, Highways, and any independent reviewers.
- Construction/phasing plans or CEMP/CTMP documents that reference, defer or drop the western bunds/planting

FOI 18671 RESPONSE

Please see attached information held by the Council within the scope of the request.

Some information held by the Council within the scope of the request is being withheld as it is exempt from disclosure under the Environmental Information Regulations 2004 (EIR).

Under EIR, there is an exception that states the Council is not required to supply the requested information if the request is manifestly unreasonable. The exception aims to prevent the Council from unjustified or burdensome requests. If a request is likely to cause a disproportionate cost or burden on a Council, the Council can refuse the request.

This request included retrieving and identifying huge voluminous amounts of correspondence. Responding to this request has occupied hundreds of hours of staff time across a number of departments given the volume of correspondence. However, given the obvious interest in the decision making involved in this development, the Council took the decision to disclose any non-exempt information and not engage the exception available under the EIR Regulation 12(4)(b) that the request for information is manifestly unreasonable.

Names of staff, representatives of third parties and the general public are personal data and are exempt from disclosure under EIR Regulation 13(2A)(a) where such disclosure would contravene any of the data protection principles set out in Article 5 of UK GDPR. The Council does not have a lawful basis to disclose personal data of staff below Assistant Director level or of third parties to the world at large which is the effect of disclosure under the EIR. Disclosure would therefore breach Article 5(1)(a) of the UK GDPR. This exception is subject to a public interest test. Whilst the Council recognises the need for transparency in its activities, the decision makers involved are at Assistant Director level or above and less senior staff would not expect their personal data to be disclosed to the world at large. Similarly, third parties would not expect their personal data to be disclosed. On balance, the data protection rights of those people outweigh the need for transparency. As the exception is engaged and the public interest supports withholding the data, names, job titles and contact details of staff below Assistant Director level and of third parties have been redacted.

Regulation 12(4) of the EIR allows for withholding of information to the extent that (d) the request relates to material which is still in the course of completion, to unfinished documents or to incomplete data or (e) the request involves the disclosure of internal communications. A number of

documents within the scope of the request have been withheld or redacted for these reasons. The Council believes that its staff need to have a safe space to discuss options on a variety of matters and disclosure of such discussion to the world at large would inhibit the ability of staff to have free and frank discussion on potentially controversial matters. Similarly, where responses to correspondence or media enquiries are being drafted, staff need to be able to make comments without fear of those comments being put into the public domain. The exception is subject to a public interest test. Again, the Council appreciates the need for transparency, but the public interest in maintaining a safe space for open discussion outweighs that expectation, particularly when the final version of the document is disclosed.

Regulation 12(5) of the EIR allows for withholding of information where disclosure would adversely affect (e) the confidentiality of commercial or industrial information where such confidentiality is provided by law to protect a legitimate economic interest or (f) the interests of the person who provided the information where that person— (i) was not under, and could not have been put under, any legal obligation to supply it to that or any other public authority; (ii) did not supply it in circumstances such that that or any other public authority is entitled apart from these Regulations to disclose it; and (iii) has not consented to its disclosure. This exception applies to a number of documents where the Council negotiated with third parties about the cost of professional advice and/or disclosure of such advice would cause harm to the commercial interests of those third parties and/or the Council. As such negotiations on price and provision of professional advice are undertaken with an expectation of confidentiality, disclosure to the world at large would be exempt in line with one or both of the above exceptions. There is a clear public interest in the protection of confidentiality in such cases which outweighs the principle of transparency.