

This request relates to planning application A/23/96226/MAJOR, submitted by Astley Unit Trust for the “Development of warehousing units (Use Classes B2/B8) and associated works” at Land at Astley Park Way, Worsley.

After reviewing the published Committee Report, it is apparent that no Landscape and Visual Impact Assessment (LVIA) or Environmental Impact Assessment (EIA) screening was undertaken or published. Given the scale (approx. 12.5 ha), height (up to 18.3 m), and proximity to sensitive receptors (residential areas and Garrett Hall Primary School), this omission raises concerns about the Council's compliance with statutory planning and environmental assessment duties.

Accordingly, I request all recorded information held by Wigan Council relating to the following points:

### **Landscape and Visual Impact Assessment (LVIA) Requirements**

Please provide:

1. Any LVIA, visual appraisal, photomontage, or related visual analysis prepared or received by Wigan Council for this application.
2. Any internal or external correspondence (emails, reports, meeting minutes, or officer notes) discussing whether an LVIA was required, not required, or substituted by a “Landscape Statement.”
3. Any written comments or advice from the following officers or consultees:
  - Urban/Landscape Design Officer (as referenced in the Committee Report, p. 53);
  - Planning Case Officer and Principal Planning Officer responsible for A/23/96226/MAJOR;
4. Any external landscape consultants or Greater Manchester Ecology Unit (GMEU) who provided landscape-related input;
5. Any correspondence with the Head of Planning and Regeneration or Assistant Director of Growth and Housing referring to the visual impact, design mitigation, or landscape character assessment.
6. Any internal and external draft or review notes discussing landscape sensitivity, visual receptors, or cumulative impact.

Q1 to Q11 (inclusive)

The Council did not require an Environmental Impact Assessment (EIA) or a formal Landscape and Visual Impact Assessment (LVIA) for this development, as it was determined that the potential impacts could be appropriately assessed through the standard planning application process and the supporting documentation submitted.

While the development exceeds the threshold set out under Schedule 2, Category 10(a) of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017, this does not in itself trigger the requirement for an EIA. For Schedule 2 developments, the need for an Environmental Statement is subject to a judgement as to whether the proposal is likely to result in significant environmental effects that require separate assessment.

In this case, it was considered at that stage that the proposal did not constitute EIA development, and the Council was content to validate the planning application without an Environmental Statement.

Visual impact was dealt with through information in a suite of documents and drawings supporting the application that

## Environmental Impact Assessment (EIA) Screening

Please provide:

7. The EIA Screening Opinion (if one exists) or any informal internal record evidencing that a screening determination was made under the Town and Country Planning (Environmental Impact Assessment) Regulations 2017.

8. Any correspondence, minutes, or emails between: Planning officers, including the Development Manager and Environmental Protection Officer, discussing whether EIA screening was required;

9. Any consultation responses from Statutory Consultees (e.g., Environment Agency, Natural England, Lead Local Flood Authority) relating to EIA considerations;

10. The applicant or their agents (Astley Unit Trust, Hydrock Consultants, or any other named planning or design consultants) about the need for an EIA.

11. Any references to Schedule 2, Category 10(a) ("industrial estate development projects exceeding 5 hectares") within the Council's internal screening deliberations.

collectively addressed visual and landscape impacts.

There is not a requirement for a standalone document to be submitted if the Council is satisfied that the relevant information is contained elsewhere. In this instance the Council is satisfied that the information provided within the suite of documents was sufficient to assess the proposal's effects.

In relation to the above documents, drawings, and the information requested through questions 1 to 11, please note that some of the material held by the Council is publicly available on our website. You can access this information by using the following link and entering the planning application reference provided above:

[Search and comment on planning applications](#)

Guidance on how to use the search function is available on the same webpage, and also in the accompanying 'Public Access User Guide':

[Idox PA for Planning User Guide](#)

Further published information can also be found within the Planning Committee agenda and supporting documentation at which this application was heard on the 11 June 2024. This information is available on the Council's website at the following link:

[Agenda for Planning Committee on Tuesday, 11th June, 2024, 2.00 pm](#)

Additionally, the Council is processing a separate FOI/EIR request (Council reference: FOI 18671) which includes information relevant to these request questions.

The response to FOI 18671 will be published on the Council's website in due course, at the link below:

[FOI Disclosure Log](#)

Once it becomes available, you are advised to refer to that response to access the information relevant to this request.

## Comparative and Policy Context

Please also provide:

12. Any internal and external guidance, checklists, or policy notes used by Wigan Council to determine when an LVIA or EIA screening is required for major developments.

Q12.

Wigan Council does not hold any specific internal guidance, checklists, or policy notes for determining when an Environmental Impact Assessment screening is required.

The Council applies the statutory process set out in national legislation, which prescribes the thresholds, criteria, and procedures for EIA screening. These requirements are defined by law and supported by nationally issued guidance, which local planning authorities are expected to follow. There is no statutory obligation for authorities to produce their own bespoke policies or checklists for EIA screening, and Wigan Council has not created any. Decisions on whether EIA screening is necessary are made strictly in accordance with legislative provisions and the nationally recognised approach, ensuring compliance with due process.

Similarly, Wigan Council does not hold any internal guidance or policy notes specifically for determining when an LVIA is required. LVIA requirements are assessed in line with national planning legislation and recognised professional practice. While the Council does not have a bespoke LVIA checklist, applicants should refer to the Council's published validation checklist for planning applications, which sets out the information that may be required to support an application. This checklist is available at the following link:

[Validation Checklist for Planning Applications](#)

In addition, the Council's Landscape Design Supplementary Planning Document makes reference to EIA development and LVIA within the context of landscape considerations. This document is available to view on the Council's website at:

[Landscape Design SPD](#)

13. Any comparative records or officer communications referencing other applications that were required to provide an LVIA or undergo EIA screening for example:

- A/20/88849/MAJOR – North Leigh Park
- A/17/83910/RMMAJ – Garrett Hall Residential Phase
- A/19/87155/RMMAJ – Chaddock Lane Employment Area

14. Any officer or legal advice referring to consistency of decision-making or precedent regarding landscape and environmental assessment requirements in the borough.

### **Decision-Making and Oversight**

Please include:

15. Any internal meeting notes, draft reports, or emails between planning officers, senior management, and the Chair or Members of the Planning Committee relating to the omission of an LVIA or EIA screening.

16. Any records referring to public concerns, objections, or representations that specifically questioned the absence of an LVIA or EIA.

17. Any correspondence between Wigan Council and the Local Government Association (LGA), Planning Advisory Service (PAS), or Greater Manchester Combined Authority (GMCA) regarding the handling of environmental assessments for this site or similar developments.

Q13 to Q17 (inclusive).

As per the response to questions 1 to 11 (inclusive) of this request, any information held by the Council in respect of these matters (please see legal advice note below in this respect), relating to the processing of planning application reference A/23/96226/MAJOR, will be disclosed through the processing of a separate FOI/EIR request (Council reference: FOI 18671), which includes information relevant to the questions you have raised.

The response to FOI 18671 will be published on the Council's website in due course at the following link:

[FOI Disclosure Log](#)

Once that response becomes available, you are advised to refer to it to access the information relevant to this request.

#### Legal advice note:

In general terms, any legal advice provided to the Council is subject to legal professional privilege. Under the Freedom of Information Act 2000 and the Environmental Information Regulations 2004, privileged legal advice is exempt from disclosure (FOIA Section 42 / EIR Regulation 12(5)(b)), as disclosure would adversely affect the course of justice and the ability of the Council to obtain frank and independent legal advice. This exemption applies even where such advice relates to planning or environmental matters.