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**Planning and Footpaths Committee**  
**Wednesday 5<sup>th</sup> October 2022 at Burscough Village Primary School, Colburne**  
**Close starting at 7pm**

Present

Cllr Bailey            Chairman  
Cllr Crawford  
Cllr Kennedy  
Cllr Horsley  
Cllr Price  
Cllr Sargent  
Jackie Maguire Clerk  
Sheila Gill Deputy Clerk

**Minutes**

1.	<b>Welcome.</b> The Chairman opened the meeting with a warm welcome to the October 2022 planning and footpaths meeting a number of residents were in attendance along with Cllr Moss Vice Chairman of the Town Council who was attending to offer support. The meeting was declared quorate.
2.	<b>Election of Vice Chairman.</b> Cllr Sargent was proposed by Cllr Price and seconded by Cllr Hosley with a unanimous vote.
3.	<b>Apologies for Absence.</b> None.
4.	<b>Disclosure of Pecuniary and Non-Pecuniary Interest.</b> Cllr Horsley noted a non pecuniary interest as his residence is in Moss Nook.
5.	<b>Minutes of Previous Meeting of 7<sup>th</sup> September 2022</b> The minutes were agreed as a true record of the meeting and were proposed by the Cllr Kennedy and seconded by Cllr Sargent.
6.	<b>Adjournment for comments from West Lancashire Borough Council.</b> Cllr Clandon made the following points: - <ul style="list-style-type: none"><li>• He confirmed that he had not called in planning application number 2022/0958/FUL but confirmed that he would be doing this action and would support the residents living in the Red Cat area as much as possible.</li></ul>
7.	<b>Adjournment for comments from County and Borough Councillors.</b> None  <b>Adjournment for Residents Points of Interest.</b> <b>A resident in attendance made a request to record the meeting, a vote was taken with 5 against and 1 for, the motion was not carried and the meeting was not allowed to be recorded the resident agreed.</b> The following points were made by a number of residents regarding the proposed application 2022/0958/FUL (Red Cat Lane): - <ul style="list-style-type: none"><li>• Proposals for the houses are on the parcel of land next door to his home.</li></ul>

- Risks of flood water coming off the field.
- The land is noted as being agricultural.
- Overlooking his property.
- Shading of his home from the proposed buildings.
- Close to habitats of nesting birds / geese from Martin Mere.
- Wildlife habitats.
- Large tractors accessing the road when already this road is a 'rat run'.
- Additional cars causing a volume of traffic.
- Noted by a resident that the pre planning advice document on WLBC portal appears to give approval.
- Has WLBC got a hidden agenda as this has been listed as safeguarded land.
- Do other developments not have to be completed before new applications are given approval, there are a number of developments in Burscough that are still outstanding.
- Can we bring the legal issue into our residents' comments?
- There is a very high-water table within the boundary of the location.
- Concern that Highways have not provided any comments as a consultee.
- Residents to make strong points with substantial evidence.
- Does not appear to have been any water testing by Jones Homes Developments, the water table is very high in this location with a septic tank. A culvert has been opened which caused silt and caused flooding in this area between April and May last year. There is running water 3ft down into the ground and the farmer has previously grown perennial rye grass on this area. ERAP attended the area to provide a survey of species in the field but could only examine the hedgerow as the field was water logged.
- It was noted by the Town Council Planning and Footpaths Committee that all residents were strongly objecting to the planning application and would be making comments onto WLBC portal.

**Burscough Town Council Planning & Footpaths Committee informed the residents in attendance of the following: -**

- The Chairman informed that before the Burscough Parish Council Neighbourhood Plan (BPNP) was made the Town Council met over several months with representatives of WLBC to agree the policies and to make sure there was no conflicts in either BPNP or WLLP during this time BTC employed a Planning Consultant to advise. Once both BTC and WLBC were happy with the proposals for the new BPNP an external examiner was employed by WLBC to again examine that there were no conflicts between the plans. **None were found.** This then went to a referendum where members of the public voted in favour of the plan which was made on the 26<sup>th</sup> July 2018.
- The Clerk and Chairman of the Town Council had been called to a confidential meeting on the 2<sup>nd</sup> December 2021 by WLBC. We were informed of a potential conflict between (BPNP) and West Lancashire Local Plan (WLLP).
- We were informed it was highly confidential and must not discuss with anyone at this point, we asked if we could inform the Vice Chairman at this point and they agreed.
- The Town Council did find evidence that it had been leaked by members of WLBC representatives who were (Cllr Gaynor Owens, Alan Houghton, Neil McFarlane)
- We asked for a copy of the pre planning advice but this was denied, a complaint was made which escalated through WLBC processes from stage 1, to stage 2 to stage 3 to an internal review. The Internal review request was not responded to and then a complaint was raised with the Information Commissioners office this remains ongoing.
- The Town Council (TC) made a resolution to seek legal advice and Vincent Frazer QC or KC now was appointed to provide information from the Kings Chambers in Manchester.
- The legal advice obtained is available on our website and states the whole of the policy including the reason justification should be taken into account and not a simple sentence which could be taken out of context for the whole of the plan.

- BTC representatives asked to meet again with WLBC representatives whom had changed due to officers leaving the authority to discuss our findings from our legal perspective. This was a difficult meeting as the officers refused to share their legal advice. After much discussion the TC resolved to share their legal advice with the hope that WLBC would share theirs. This transaction took place on the 30<sup>th</sup> August 2022, when both legal advices were shared.
- BTC received notification that the planning application for the proposed development on Red Cat Lane which was included on a weekly list issued to the TC.
- The Clerk asked again for the pre application advice knowing this was now live and noted to WLBC her disappointment that we had not been informed sooner.
- A notification email was received by the Clerk that the pre application advice was now available on the portal, it was not the Clerk pursued the matter with the document being added to the WLBC portal the next day.
- The TC are still perusing all matters relating to this proposed application.

**The Planning & Footpaths Committee strongly object to this planning application and stand by their legal advice that there is no conflict with with BPNP or WLLP, add legal advice to the website. Action: Cllr Bailey, Cllr Crawford and the Clerk to formulate comments: Strong objection.**

8 **Comments Burscough Flood Group**

Burscough Town Council noted the comments from Burscough Flood Group: -

The additional water brought onto the site would be 250 litres per unit per day and this will need to be disposed of, surface water travels down ditches onto Red Cat Lane and this ditch has been stagnant with no through water. WLBC seem reluctant to release the ENTEC report which specifically mentions Red Cat Lane and Crabtree Lane. Sewage will proceed down the sewage pipe in Orrell Lane which in turn then goes down to a pipe in New Lane which is often flooded with sewage therefore the additional pressures will cause more incidents. The new houses on Bobby Langton Way, Orrell Lane and Yew Tree Farm have already been added to this sewage system and will therefore cause significant additional pressure on the system.

9. **Consider Planning Applications:**

**2022/0799/LBC – Thatch Cottage, Moss Lane - No objections noted.**

**2022/0958/FUL – Red Cat Lane – Objection noted, Cllr Bailey and Crawford to work together to formulate a response. Proposed Cllr Crawford and seconded Cllr Sargent with a unanimous vote. Action: - Clerk to ask for a 2-week extension for comment.**

10. **Urgent Planning Matters.**

2022/1488/FUL – Lathom's Farm Moss Lane – No objections.

11. **Footpath Matters and Public Rights of Way.**

It was noted that footpaths 113 and 114 still required further enquiries regarding exactly where they began and end. **Action: - Clerk to contact Brandreth Farm and speak to the farmer.**

12. **Consider Martin Mere's Responses.**

Noted.

13. **FOI Response from WLBC regarding the former Universal Bulk Handling Development.**

Noted.

Meeting closed 9.15pm

Date of next meeting 2<sup>nd</sup> November 2022 at Burscough Village Primary School, Colburne Close starting at 7pm.

















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