



22 July 2021



Mr John Macholc
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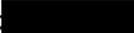
Dear Mr Macholc,

Re Planning Application 3/2021/0661("the Application")

I write further to your letter dated 6th July 2021 please treat this letter and its enclosures as my formal representations and objection to this planning application.



Enclosures:

For ease of reference I attach;

copy correspondence with United Utilities (**WRJ1**)
copy objection lodged to  application made in the Lancashire County Council (undecided at the time of writing), (**WRJ2**)

Summary

Having now been provided with a copy of the United Utilities ("**UU**") I have reviewed it and have concerns about their ability to fulfil this project and whether or not they have actually complied with the suggestions made in the scoping reports. I refer specifically below to the Material Considerations which I believe warrant further investigation and a general rethink together with my reasons as to why this is the case.

Given the significant amount of documentation filed in support of the Application, the majority of which has not been supplied prior to the Application being made has forced me to focus my review on those matters directly affecting the 


To assist I set out a short summary of each of my concerns and then return to them in more detail below as required.

Alternative Options:

I am not privy to the other options that have been considered or why they have been ruled as less favourable than this route which will in all likelihood change the ecology of the area forever. I can assume that you will review and analyse the information provided and ensure that this is not a case where the profitability of a route has taken priority over the impact on the people affected by it.

Ecological Concerns:

There has been insufficient work done in respect of the impact of the Project on the local Ecology evidenced by the fact that none of [REDACTED] [REDACTED] have been visited (despite invitations) to be surveyed (despite the presence of priority habitats within close proximity to the development site).

This failure to survey properly means the promise of 10% net gain is empty as they have not checked the starting point properly,

UU can also not state what the impact of this project will be as the Application accepts that the surveys are too limited to see what the true impact of this proposal will be.

Traffic Impact & Loss of Amenity:

UU have been aware of the plans and the likely impact on the [REDACTED] but made no effort to engage directly with any of us until after I criticised the consultation approach.

UU have failed to provide details of mitigation for the disruption and loss of amenity that will be caused to all of the properties [REDACTED]

[REDACTED] There is insufficient detail in the Construction Traffic Management Plan (**CMPT**) as to how they intend to mitigate the traffic impact on access to and from the properties themselves and how they intend to control the noise disturbance that will follow,

UU have failed to engage at all with those property owners in respect of mitigation proposals when asked about the noise disturbance and traffic disturbance as borne out by the absence of any meaningful proposals,

The application has an incredible lack of concern in respect of impact on health of those living close to the development, evidenced by the lack of monitoring systems or compensation for the (in three cases complete) loss of garden amenities for the duration of the project.

The Application shows a complete lack of consideration about the impact on the amenity value of the properties close to the development sites, [REDACTED]

[REDACTED] the entrance where the traffic will flow. [REDACTED]

[REDACTED] which will also be an eyesore [REDACTED]

[REDACTED] a fact overlooked entirely by Jacobs, who seem to have not realised that there are windows directly overlooking the park entrance and drilling site) [REDACTED] runs alongside the route to the entrance. The

fact the all [REDACTED] will essentially be deprived of the use of this space has been deliberately ignored by UU.

Water Supplies:

A number of properties along the proposed route are run off wells as opposed to the network. These supplies have already been impacted by works undertaken by UU, a fact strenuously denied by UU. UU, I understand, are the subject of legal action as result of the disruption, instead of actually accepting responsibility for the issues they are seeking to pass responsibility for the disruption onto their contractors. When challenged on this they have said that their agents do not consider this a risk, however if it is an issue and they cause it they will remedy it. You will see how that gives scant comfort to me as I do not really fancy having to sue UU if the water supply which has been running without issue for over a hundred years suddenly packs up mysteriously after this project commences. Surely they should be called on to guarantee supplies for the period within which they are working on the Fell.

Consultation and engagement with the [REDACTED]

There has been no actual engagement with the owners of [REDACTED] [REDACTED] whatever UU may try and suggest, this is astonishing given the impact on these properties, in fact there appears to have been a deliberate and concerted effort to avoid engaging with us.

In their email of February 26 2021 (**Page 9 WRJ1**) UU confirmed that as they were not required to carry out a survey on [REDACTED] they did not have [REDACTED] records and therefore had no reason to contact us, this is despite acknowledging in the CTMP that a number of properties will be significantly impacted by this project. Moreover it would appear to not satisfy the criteria set out in the scoping report or the Environment agency recommendations to protect the area. It is clear that these properties present an issue which UU are seeking to avoid but not effectively considering or engaging with any of the owners.

In doing so UU has deliberately not considered the properties themselves (despite the fact that [REDACTED] is a listed building and is therefore afforded special status) and by not engaging with the owners of the properties have thereby, despite being invited to visit when the Covid Restrictions were lifted, avoided setting an accurate starting point from which the impact of the drilling and the traffic can be gauged which conveniently makes it difficult to establish cause and therefore responsibility.

UU's agents have presented plans which do not properly record the wildlife in the area, the reason for this is either they do not want to know (hence not looking) or they do not really care and are simply doing the absolute minimum possible as their focus is on getting the application made in line with the timetable they set a long time ago.

The basis of each of these issues and my more thorough explanation is set out in WRJ1 (**page 1- 2**)

Ecological Issues:

In Panel 10 of the Application UU acknowledge that there are trees and hedges adjacent to the the proposed development site. Yet the hedges on [REDACTED] opposite the site have not been surveyed, I have not been asked whether or not [REDACTED] to be surveyed despite having been [REDACTED] with UU as part of their alleged consultation since March 2021, nor have any of the other properties forming part of the [REDACTED]

[REDACTED] in his ecology response 12th December 2019 (**19 0981 Conservation Officer Response**) flagged the issue of significant loss to biodiversity in December 2019 where he directed you to the relevant part of the National Planning Policy Framework and this was in turn feed back to UU. In his

same report to you he stated that the limits of the areas to be considered ought to have been 250M not 50M.

This concern was also raised in the formal response of 22nd November 2019 (**19 0981 Ecology Response**) which further highlighted the importance of taking measures to avoid detrimental impinges on sites, habitats , species and features of ecological value. It also flags the importance of surveying the likely affected areas.

In the March 2021 revised application, attention was again drawn to the importance of surveys regarding ecology with a particular focus on Bat Surveys (**page 2 of 21 0174**). It also highlighted that UU were reducing the scope of these ecology Surveys (**para 2 page 3 21 0174**). Interestingly this report highlights that the location of the local highway alterations had not been provided to them as part of that process. This is a very odd given that the original plans suggested that the entrance to BC appear to have not changed since the inception of the project (albeit they were not, according to UU finalised until the making of the Application). Therefore despite having a clear idea as to where they were likely to build and develop as recently as March 2021 UU were not committing to a build plan.

Despite this the plans produced in support of the Application are not accurate. Bradded Compound Existing Site P (**Environmental Masterplan 4 of 4**) does not show any of the existing woodland and other vegetation located [REDACTED] [REDACTED] even though a large proportion of this will be located within 10M of part of the development). Hedgerows are to be afforded priority status and yet large sections have been disregarded in the ecological surveys. This means that the baseline does not take into account the impact of the project on the areas immediately surrounding the sites, for example the Hedge described as TR4.H12 in Onsite Habitat Compensation pdf is exactly the same as the hedge across the road (albeit TR4.H12 is in worse condition and is less diverse). The hedge across the road has not been surveyed or considered from an ecological stand point, despite the fact that it is within yards of one of the busiest access points required for the project. The wildlife living in that hedgerow is ignored for the purposes of the net diversity study. This is not correct, if that habitat is disturbed as a result of the increased traffic (which it is accepted that it will be elsewhere in the planning application as the impact will be felt on [REDACTED] which is further away from the site) but the ecology has not been measured so no one can know what remedial work actually is required.

The Off-Site Highways Works Ecology Assessment Volume 5 Part II (**page 10 TR4 Site Name RW11) (The TEP Report)** refers to a permanent loss of habitat but overlooks the impact on the woodlands and mature hedgerow which

Paragraph 47 of the TEP Report confirms that:

United Utilities has committed to achieving a 10% net gain in Biodiversity across the scheme, **including the highways Improvement Area.**

At the same time however UU appears to have instructed Jacobs to focus on the smallest possible area for its work. Indeed I believe the special status of this area and its wildlife was the reason that the initial feed back referred to above suggested a wider scope for these investigations (250M not 50M). As clearly if the local ecology is not measured accurately then one does not have a proper point of reference to work from.

This point would extend to the water course running [REDACTED] at no stage has this been mentioned surveyed or investigated, despite UU being aware of it and the environment agency's recommendations in the Scooping Report relating to water courses. Again this gives rise to concern that either the promised return of an increased Net Biodiversity will not materialise or worse a significant piece of local ecology will be lost through a failure to check and where necessary to protect it.

UU clearly have decided to focus only on the land which they are acquiring as opposed to the land that is affected by the proposed development. The attached email in WRJ1 demonstrate this when they stated in 9th February that they did not require access to my property. They have not contacted the other members [REDACTED] to look at their properties or land.

Traffic Concerns:

The traffic impact on Waddington village will be significant, this is wholly accepted by UU but rather than attempt to work with the village they have set out to simply show you that the road capacity, according to their contractors, is sufficient to take the increased traffic.

The CTMP underpins a significant part of the Application in that it is designed to provide comfort surrounding how UU will implant and deliver on its promises. It

is ironic that UU consistently refused the [REDACTED] specific information relating to the CTMP on the grounds of national security and yet when it is produced demonstrates that the reason that they did not want to share it is that it is inadequate to satisfy any reasonable person about the plan.

The CTMP at clause 6.3,6.3,6.6, 8, 8.2 and 8.3 sets out the basis on which UU proposes to manage and regulate its behaviour. These statements however cannot be relied upon by you when making your decision. UU have already demonstrated what this is worth in the manner with which they handled the issue that arose with [REDACTED]

You will note from my email 12th February 2021 (**page 5-6 WRJ1**) that I raised a concern about the conduct of one of UU's agents. You will note that, initially UU denied any knowledge (**page 9 WRJ1**), they then changed their position to state that the agent had approached us to determine ownership to carry out a consider environmental surveys which they subsequently chosen to not carry out. It then incorrectly states [REDACTED] will be affected by the development and says that if things change they will [REDACTED] (**page 8 WRJ1**) (they have never been in touch to advise of any modification of any plans, so they have always been aware of how close the works run to the mature hedge row which is likely home to native bat species). It is also worth pointing out that UU said that the matter had been investigated (**page 11 WRJ1**). UU then suggested that the matter had been escalated (**page 13 WRJ1**) and that the would write to all affected households. They did not. Instead they caused their contractor to write a letter which did not address any of the issues. I have attached the remainder of the correspondence between us so that you can review for yourselves.

Now that the Application has been issued they promptly cut contact as it was no longer worth keeping up the pretence of engaging with this issue. This conduct is relevant, not because their conduct is a ground to object (irrespective of how poor it may well be) but because it provides you with direct evidence of how UU has behaved in response to an issue with this project involving its contractors when things have gone wrong. UU are quite happy to [REDACTED] in correspondence and then blame the Contractor whilst distancing themselves from their work without ever rectifying the problem that they caused.

Therefore given the mechanism they have proposed ,in the clauses I referred to above regarding the CTMP, you need to ensure that proper measures are put in place. Indeed I'm sure you will have noted from the part of the UU email 9th

June 2021 to WRJ where they address the 'missing information' (**page 20 WRJ1**) when questioned as to how they plan to measure their own estimates they stated that aside from self policing it was essentially a matter for the local planning authority to determine if a condition should be that they are required to actually monitor what is going on. Given the proximity to people's homes I would invite you to exercise that authority especially in the context of the manner in which this Application has been approached.

In reality the whole approach needs to be re-worked to provide some proper accountability on the part of UU. In their mitigation they simply appear to pass on responsibility to the employees of the Contractor which cannot be good enough to satisfy a reasonable body of UU's competence given their actions so far in respect of their agents.

Danger of creating a Precedent:

If you approve this project with all of its deficient work and mistakes you will be setting a lower threshold for planning applications in the future, whilst I accept that projects such as this may be rare that is not an excuse to allow an application to be approved with a lower standard of work than would otherwise be the case for an application in this area.

In particular if you approve this application given the incredibly limited ecological surveys you would set a dangerous precedent. Equally if you approve the application and ignore the demonstrable lack of concern of the impact of this project on the [REDACTED] and the failure to offer anything other than self policing as a check then again this is a dangerous precedent to set for all developments in the Ribble Valley.

More worryingly you have a working example of how complaints (which will arise during the course of this project will be handled). In summary, complaint made, complaint denied, when proved an action plan is agreed with UU, that action plan is then not implemented by UU, UU changes its position and blames its agent, agent then does the barest minimum to address the issue without actually addressing the issue, UU then close the complaint as if it has been adequately addressed. So in practice if this issue was say a future traffic movement complaint without independent measures and protections in place exactly the same sequence of events would occur, much like has occurred with those families whose water supplies were recently disrupted when UU started its exploratory drilling up the [REDACTED]

Misleading Statements:

Whether you consider these to be material or not is a matter for you, but I thought I would draw to your attention some discrepancies that I have noticed in the material submitted to you.

Para 10 are the trees and hedges adjacent to the proposed development site? Answer yes. UU are aware that there are hedges within 5 m of the proposed site, but despite knowing this they have disregarded it, see email CT to WRJ 18th March 2021 [REDACTED] states (**page 7 WRJ1**) that they do not require access to land.

Para 18 of the Planning Application clearly marked no increase in employment. the first page of the UU virtual exhibit titled What our proposals mean mean for the local area, the creation of jobs locally and in the North West. Which is wrong the application or the message being given to the public? Assuming it is not the application then UU have actively misrepresented the actual impact of the project to the public;

Para 23 does not refer to the numerous engagements UU have had with you directly.

the plans produced purport to show the ecology of my land, UU have not been [REDACTED] and therefore cannot warrant the accuracy of the same, for example a number of established trees appear to have been missed off due to the orientation of the plan submitted.

You indicated to me in your email 2nd March 2021 that you understood that UU would be contacting me, you can only have made that statement following a direct communication with UU, I would suggest that you check what was said to you by them in February and then compare that statement they made to you to the actions they actually took. I do not need to know the answer suffice to say that any suggestion that they would engage with us properly was incorrect or any suggestion that they would address the concern was also wrong.

Consultation:

I first became of the Haweswater Aqueduct Resilience Programme (**HARP**) in January 2021 when I attended a public meeting at which the community was invited to feed back. I gave feedback on 16th January 2021 [**1- 3 WRJ1**], all of the items marked as specific concerns save for the community compensation are material considerations.

Following this meeting and feedback, as you are aware a refine to the initial scoping report was filed, I have not included our correspondence in respect of this as you already have it. What is clear from that is that UU had no interest in actively engaging with the public for anything other than saying that they had in support of the Application. This prompted my email 12th February 2021 [5 WRJ1]. By this point I was concerned about the manner in which UU were behaving and indeed its ability to deliver a project such as HARP without causing catastrophic damage to the environment, the protected ecological habitats, unique to the route of the project, increased traffic to a road network ill suited to the proposed use, the noise and disturbance, the impact on the listed buildings, such as [REDACTED] and the Area of Outstanding Natural Beauty. So I decided to press the point about their approach, which I felt was underhand at best, to test their approach and afford them the opportunity to demonstrate to all stakeholders, including yourself and the local parish Councils, how they would deal with issues which would arise as a result of HARP.

Accordingly I chased a response on the 21st February again setting out my concerns about the project [4 WRJ1]

In response to this email UU's local team sent a holding email on 26th February [page 9 WRJ1] they [REDACTED] following my reply [and apologised unreservedly for what had happened, I asked for an apology in writing and received an email on 18th March 2021 [7 WRJ1] to which I replied on the 19th March 2021 [7 WRJ1]. At this point the correspondence was then answered by the complaints team. These are the team that would be dealing with issues arising out of the project on daily basis. The correspondence speaks for itself in terms of the issues that we have faced.

At this point I would expect UU to urge you or expect you to consider disregarding their behaviour as the conduct of the applicant is not normally considered to be a material consideration. This is correct in so far as the behaviour demonstrating a willingness to allow their agents to go beyond their remit, a complete failure to take account for said agent, failing to deliver on a simple resolution and the [REDACTED] about whether or not it had been delivered is not a material consideration. However evidence of this behaviour occurring before a planning decision is made would preclude any reasonable authority from relying on any statements made by the Applicant which involve an agent, responsibility or trust.

UU have demonstrated in the attached correspondence, which you have been copied into throughout, exactly how it actually operates when faced with a genuine issue and how it will therefore operate if it or more likely one of its many agents has either made a mistake in the calculations they have run or worse makes a mistake in the future when implementing HARP. Mistakes as simple as using an incorrect baseline when calculating noise differences. You will note that [REDACTED] have had a Farm level noise baseline used when considering the traffic impact, neither are working farms, neither operate any machinery heavier than a car.

Conclusions:

I am not satisfied that this exercise has been properly undertaken by UU, they seem to have cut as many corners as possible to force the application through i line with an original timeline. It is astounding that they can present a timetable pre-covid, which they have stuck to, whilst steadfastly hiding behind Covid as an explanation as to why they have not done things that ought to have been done. I appreciate the project is important to them but the area they are seeking to utilise is also of national importance.

The manner in which they have treated those people who are going to be most affected by this project is breathtaking. To not have the decency to even try to explain what exactly they are proposing to do to prevent children and elderly families being impacted by the traffic should tell you all need to you know about their focus in this project. UU's focus in turn should cause you to review each of the environmental impacts that will be caused by carrying out this project in this manner and ensure that you are satisfied that they have presented you with accurate information on which to base your decision. Bearing in mind that [REDACTED] is a listed property with its own bat and owl population which have not been surveyed [REDACTED] of what will essentially be the entrance to a massive construction site. Both have or are close to a number of mature trees which do not appear to have been considered and both of which are homes to young families who will not be able to go outside for large parts of the week and certainly will not be able to leave the property safely, the farms further down the [REDACTED] will access directly onto what will be an incredibly busy road on tight junctions without support or assistance whilst all the while enjoying the unspoilt view of a drilling site surrounded by 2m fences (in circumstances where I suspect that if anyone on the [REDACTED] asked for permission to replace a hedge with a 2M hedge the answer would be fairly short).

There are no safeguards at for checking that the damage that will be caused by the vibration damage and impact of the drilling and increased traffic. Equally there are no safeguard measures in respect of emissions from their vehicles, such that if there is a mistake or assumption in their calculations (a mistake similar to ticking the wrong box on the application form, or missing a hedge of a map or guessing at what may be located on my property presumably by reference to aerial photographs as opposed to actually checking)) there is no protection [REDACTED] This makes any statements made in respect of people's wellbeing in this application ring hollow.

None of this even considers the wider impact of the project on the surrounding area. If UU have not bothered to check the areas directly next to their sites for ecology they are not going be to be bothered about wider impacts on these or for the safety of the people who be most seriously impacted by this.

The evidence supporting my comments is attached and you will note the vast majority of it comes directly from UU, if you would like to discuss any of the issues I have raised or indeed come and visit [REDACTED] so that you can satisfy yourself that there is a native hedge a number of trees providing significant habitat to local species and a water course I would be happy to accommodate you for a restriction compliant visit to see what your thoughts on the proposals actually look like.
