



Astley Warehouse Action
Group

Our reference: Astley BP Council
Response 25.11.25

Your reference:

Please ask for: Aidan Thatcher

Extension:

Direct line: 07917 642777

Date: 25th November 2025

Dear Astley Warehouse Action Group,

Thank you for your continued engagement and for raising your concerns regarding the Astley Business Park development.

As requested, we have set out the detailed answers (highlighted) to the individual points you have raised regarding the temporary stop notice below.

We hope this information is helpful in clarifying our position and the rationale behind the decision.

1. Cadent Gas Main: Legal Height Restriction on Bunds

Our Stop Notice Request showed that:

- the noise assessment relied on 3-5m bunds
- Cadent's easement legally caps bund height at 1.8m
- this restriction was known before the noise assessment
- therefore the mitigation used to justify approval could never be delivered

Your response makes no reference to Cadent, the 1.8m limit, or the fact the approved mitigation is unachievable.

Please confirm:

1a. Whether you accept that the bunds along the easement zone cannot legally exceed 1.8m?

The developer has confirmed that the bunds in the vicinity of the pipeline easement, in particular the length along the boundary with Thistle Croft where the pipeline is close to the edge of the site, will conform to the heights stipulated in the approved planning drawings, specifically the cross-sections shown in approved plan WIG-PHP-00-00-DR-A-4557-005- P12. This shows a bund approximately 2.2 metres in height along the line C-C.

1b. Whether you accept that this contradicts the mitigation used in the decision?

The noise assessment did not make any specific reference to bund heights. The text in question is in Section 6.0 of the report and reads:

“Based on the assessments above, mitigation has been considered for this site in the form of acoustic bunds and barriers ranging between 3.0m and 5.0m in height. The locations of these barriers are presented in Figure 6.1 below.”

The reference to “between 3.0m and 5.0m in height” is a reference to the height of the acoustic barriers to be installed at various positions within the site. This is confirmed by the reference to Figure 6.1; Figure 6.1 shows the positions of the acoustic barriers, which are confirmed by the plan key to be 3.0m and 5.0m in height depending on location.

1c. How the Council can maintain there is “no breach” when approved mitigation cannot be built?

See above – it is not correct to state that the approved mitigation cannot be built. It is important to note however that even if this was the position, at this stage it would not constitute a breach of planning control if the developer was constructing the scheme in accordance with the planning permission that had been granted.

1d. How can the noise assessment be valid if the findings are based on mitigation that isn’t achievable?

It is possible to achieve the mitigation. See above.

1e. Will you perform a retrospective EIA and LVIA in light of the mitigation the noise assessments relied on were not achievable?

It is possible to achieve the mitigation, as detailed above. Again, it is important to note that there is no mechanism, under any circumstances, for a local

authority to retrospectively re-assess a planning application after permission has been granted. There is a six-week window following the grant of planning permission for a judicial review to be launched as the Council has previously confirmed no such challenge was made.

2. Material Changes Uploaded After Public Consultation Closed

Our Stop Notice highlighted that more than 25 amended documents and drawings were uploaded in May 2024... months after public consultation closed, including material reductions in bunds and landscaping. Under the DMPO 2015, such material changes require re-notification.

Your response does not mention these amendments or why residents were not re-consulted.

Please confirm:

2a. Whether you accept these amendments to reduce bunds and landscaping were material?

There were no amendments to reduce the bunds or landscaping.

The plans that the Council relied on to assess the heights of the bunds were the cross-section plans referred to in Point 1 – these are the plans quoted as “approved plans” in Condition 2 of the planning permission, and the heights of the bunds depicted did not reduce between versions of this plan.

The detail of the landscape planting was dealt with through a planning condition, which was discharged through application A/25/098808/CON.

2b. Why re-consultation did not occur?

See above.

2c. Why material changes without re-consultation do not warrant a stop notice?

See above regarding the statement that no material changes were made.

In any event a stop notice can only be served where a breach of planning control has occurred: a breach is defined in the legislation as development without planning permission or a failure to comply with conditions on a

granted planning permission. The route to challenge the procedure followed by a local authority in dealing with a planning application is a judicial review, which must be made within six weeks of the granting of permission. No such challenge was made.

3. Bunds Not Included in Drainage / Flood Documentation

Our Stop Notice addition on Monday 17th November, showed that:

- the drainage strategy was based on pre-bund levels, a model from 2015
- bunds do not appear on the approved drainage or flood documents
- the landform has materially changed from the assessed scheme

Your response does not refer to this at all.

Please confirm:

3a. Why the bunds were not included in the drainage strategy?

The planning permission included Condition 19, which required further details of the site drainage arrangements to be submitted for approval. This was done via Condition Discharge application reference A/25/098808/CON which contained detailed engineering reports and designs for the site drainage. The Council has approved this application.

3b. Whether the Council accepts that the approved drainage model does not reflect the site as built?

The Council does not accept this – see above for explanation.

3c. Why drainage mapping from 2015 was used for a newly designed development proposal in 2023?

See above – the drainage design was developed and approved in full alignment with the approved development design.

3d. Whether this constitutes a material change requiring enforcement action, and what do you base that conclusion on?

This is not a material change. See our comments above regarding the definition of a planning breach.

We trust this information is helpful and demonstrates our commitment to transparency and constructive dialogue. Should you have any further questions or wish to discuss these matters in more detail, please do not hesitate to contact us.

Yours sincerely,



Aidan Thatcher
Director of Place



David Proctor
Assistant Director of Planning and
Regeneration