

ITEMS FROM ADLINGTON TOWN COUNCIL

- 1. To request the Schedule of planned maintenance for both gully sweeping and street cleaning for the whole of Adlington**

Jo Oliver, Waste and Streetscene Manager, Customer and Digital responded

The mini-sweepers currently operate on a 14 week schedule. The mini-sweepers maintain all the side streets and footpaths. The big sweeper is currently on a 3 week schedule. The big sweeper maintains all the larger A Roads. The schedules are suspended during autumn so that the sweepers can be deployed to clear heavy fall.

LCC are responsible for gully clearing, see the attached schedule for information.

- 2. To request an update on the flooding problems reported by Adlington residents last winter. The Council understood that a solution to this would be discussed at the multi-agency “making Space for Water” meetings but has received no update on the situation.**

Doug Cridland, Waste and Contaminated Land Officer for Chorley Council responded

Earlier this year Chorley Council and United Utilities (UU) carried out inspections of drainage assets and culverts at The Common, Adlington . Following this, high-pressure jetting to clear silt and tree roots was completed and camera surveys done. There were no noticeable restrictions on water flow following this work. The council has also replaced and upsized a section of pipe and repaired a collapsed part of the stone culvert. There is also a maintenance programme in place to inspect the drains annually and clear them if necessary. Working in partnership with CBC, UU are due to visit again in December to desilt and inspect the stone culverts in addition to the UU surface water drainage system to ensure that flood risk is minimised. It is worth noting that the inclusion of stone culverts in such a programme of work by UU is not usual practice. UU have also made recent improvements to their surface water drains including rehabilitating some of the surface water sewer. We will closely monitor the outcome of this work to determine the impact this has on the surface water flood risk. The council is continuing to work with UU and LCC to thoroughly understand the surface water flood risk to properties at The Common. Following the further investigations by UU, should this suggest the condition or capacity of the culverts are a direct cause of overloading the upstream UU network and request that the culverts need replacing or upgrading, this will enable the council to consider proposing investment in remedial action to rectify the matter.

LCC has a responsibility to record and investigate flooding incidents in their areas. These are known as Section 19 Investigations. This site has been included in Stage 2 of LCC’s investigations. The results of this Flood Investigation Report have been published and may be of interest. Although no specific actions are proposed by LCC, the position in relation to Lower Adlington can be found on page 13 of the ‘Chorley’ District Flood Report using this link:

<http://www.lancashire.gov.uk/council/performance-inspections-reviews/environmental/flood-investigation-report.aspx>

Through the Chorley Making Space for Water group, the council has asked LCC to consider completing a detailed drainage study for Lower Adlington to understand the nature and causes of surface water flooding and enable any cost effective improvements to be made.

- 3. To clarify the procedure for submitting objections to HGV operating license applications. The Lancashire Association of Local Councils sends the application information to the Town Council but Town and Parish Councils do not have a**

statutory right to object directly to the North West Licensing Authority and would like to know who to contact within the borough or county in order to submit objections.

Lesley Miller, Chorley Council's Regulatory Services Manager responded

Owners and occupiers of land or buildings within the vicinity of an operating centre who feel that the use or enjoyment of their own land would be "prejudicially" affected by the proposed operating centre can make a representation against the grant of an application and are called "representors". Representations can be made only on environmental grounds and in response to an advertisement placed by an applicant. A Representor must be directly affected by environmental nuisance emanating directly from the operating centre and not as a result of traffic on public highways.

Where a Town or Parish Council, residents group or association wishes to make an objection to an application for an HGV operators licence, unless they are owners and occupiers as above, would need to provide evidence to Chorley Council's Regulatory Services Team that the premises gives rise or are likely to give rise to a statutory environmental nuisance, as it is only on these grounds that Chorley Council's Environmental Health may make an objection.

In such case the environmental health officers would need to consider the evidence on the basis of impact, duration and frequency of any matter that may constitute a nuisance arising from the premises directly. Noise associated with vehicles on the public highway are not matters that can be considered in statutory nuisance legislation and therefore would not be grounds for objection for Chorley Council. In addition, the threshold for a nuisance and therefore the weight of evidence required, goes beyond that of annoyance and disturbance. In order for Chorley Council to make an objection on behalf of a Parish Council or residents group, there would need to be substantive evidence, rather than just a perceived fear, that a nuisance exists or is likely to exist.

Any request to make an objection on behalf of such a body will be considered on its own merits and based on the evidence presented. Chorley Council would not support an objection that was frivolous, vexatious or unsubstantiated in nature. Where insufficient evidence is presented, then the Council would not object to an application and may have to gather additional evidence through the statutory nuisance procedure to raise a complaint to the Traffic Commissioner in the future where further investigation substantiates such a response, such as following the service of a Statutory Nuisance Abatement Notice.

Where objections relate to the planning permission, these will need to be addressed to the Planning Department, but the Traffic Commission applications are considered in isolation to planning permissions for the site, so a licence from the Traffic Commissioner may be issued without planning consent and vice versa.

Guidance on making objections to the Traffic Commissioner are available using the following link:

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/208422/otc-representations-objections-complaints.pdf