

WEST DEEPING PARISH COUNCIL

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West Deeping
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PE6 9HS

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Clerk to the Council
Mr Ian Coles

21st November 2023

Dear Councillor Hill and Ms. Barnes,

Ref PL/0129/22 & PL/0130/22

Following last week's decisions by the Planning Committee to approve the planning applications to reduce the stand-off distances in Breedon's West Deeping Quarry from 100 m to 25 metres from people's homes, we write to you to request a review into the legality of these decisions. I personally spoke in objection to these applications at both the initial planning meeting and the subsequent one, following the site visit, and it is still our considered opinion that coming to within 25m of people's homes skews the appropriate planning balance between mineral extraction and people's lives and health – as did the majority of the councillors at the first planning committee meeting.

Our reasons for the request to revoke these decisions and have them reconsidered by the planning inspectorate are –

1. That Lincolnshire County Council has a direct conflict of interest in deciding upon these applications on their own land.
2. That Lincolnshire County Council is colluding with Breedon in ensuring that they can operate the future MS29 site by allowing unsafe applications through in order to enable Breedon to continue to operate in the West Deeping area until such times as they attempt to get their forthcoming MS29 application approved.
3. That the Minerals and Waste Officer directly misled the planning committee in his statements during the meeting that the application was a stand-alone application and had no relevance to the forthcoming planning application by Breedon in respect of MS29. Breedon themselves have admitted that these planning applications were put forward to enable them to continue their operations in West Deeping until such times as they could put forward their MS29 application.
4. That the council failed to consider supplementary reports and communications at the second planning meeting from the West Deeping Action Group, whilst actively inviting additional reports and changes from the applicant. The suppression of this additional information and LCC's decision not to include this in its considerations and not to put the information forward for the planning committee to consider should render the approval of

these planning applications null and void as the committee was not made aware of the additional information by the minerals and waste team.

To elaborate on these points for your consideration –

1. LCC as the landowner of the existing gravel site north of the A1175 to which the applications relate, has a vested financial benefit in the decision to approve the reduction in stand-off distances. This is a clear case of a conflict of interest that LCC should have declared.

As the owners of the property including one of the residential buildings to which the applications relate, LCC have a duty of care to the residents of these buildings. In agreeing to reduce the safety zone from 100m to 25m LCC should have declared their conflict of interest in their care of these residents.

LCC is the partial landowner in the future extraction proposal by Breedon south of the A1175 associated with the MS29 site. As LCC have a contractual arrangement with Breedon for future gravel extraction with the substantial financial benefits that follow, and as a decision to approve these two planning applications is critical to that development as stated in the letter from Breedon to the West Deeping Parish Council dated 30 October 2023. This is a clear case of a conflict of interest that LCC should have declared.

It considered the failure to declare these various Conflicts of Interest renders the decisions unsafe, they should be revoked and then reconsidered by the Planning Inspectorate.

2. & 3. The statement by the Minerals and Waste Officer following the opposers' comments during the meeting of 6 November 2023 which referenced the link to MS29 - that these comments were inadmissible as the two planning applications were stand-alone applications and were not in any circumstances linked to the notification from LCC and Breedon of a forthcoming planning application for the extraction of gravel from the allocated site MS29 was both incorrect and deliberately misleading. The connection is very real as Breedon have admitted in their letter to the West Deeping Parish Council dated 30 October 2023. The approval of these planning applications is critical to Breedon's future developments in West Deeping. Notwithstanding that such a connection is also stated in various emails from the West Deeping Action Committee to LCC.

Further, the community of West Deeping also put forth patently that LCC is aware of this connection. LCC, Breedon and the other landowner of the MS29 contracts and options in place over the MS29 land. Contracts which can only be fulfilled if Breedon is given the opportunity to continue quarrying in the area until such times as MS29 may be approved. The Minerals and Waste Officer therefore clearly misled the committee in this regard that the applications were not connected.

We would therefore like to put you on notice that the consequences that result should the plant site be located south of the A1175 in breach of the conditions approved by the Secretary of State in 2017 and to which we referred in the planning meeting are fundamental in determining these applications. Failure to consider all of the information the denial by the Officer that the applications were connected renders the decisions unsafe. The decisions should therefore be revoked and then reconsidered by the Planning Inspectorate.

4. LCC has a duty of care and statutory obligation to consider the health, safety, well-being and quality of life of Lincolnshire residents. The West Deeping Action Group has highlighted this to LCC in numerous emails and correspondence and the minerals and waste officer has failed to consider this in his supplementary report to the planning committee dated 6th November 2023. If the failure to consider these issues raised is being put down to later submission, then this should have been recorded as such within the report. But given the applicant was permitted to put forward additional information then such rights should be extended to all. Notwithstanding the information provided by the West Deeping Action Group related to the provisions of safety legislation and given a breach is a criminal act then this would override any time exclusions. The West Deeping Action Group has highlighted to LCC that it considers that the Committee has a duty to ensure all the assessments, statements, investigations and conclusions presented to LCC are provided to the Committee and if they are not, then we suggest that the committee has made their decisions without being provided with all the facts by the officers. The West Deeping Parish Council reiterates here the comments of the West Deeping Action Group.

Thank you for your time and we look forward to your comments.

Glenn Fuller
Chairman
West Deeping Parish Council