

31st January 2024

West Deeping Parish Council Response to -

**THE TOWN AND COUNTRY PLANNING (ENVIRONMENTAL IMPACT ASSESSMENT) REGULATIONS
2017 - REQUEST FOR A SCOPING OPINION**

REFERENCE: EIA/15/23

**DEVELOPMENT: PROPOSED REPLACEMENT QUARRY SITE TO THE CURRENT WEST DEEPING
QUARRY**

LOCATION: LAND TO THE SOUTH OF STAMFORD ROAD, WEST DEEPING

GRID REFERENCE: 511771 309447

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Introduction

The West Deeping Parish Council (WDPC) on behalf of the community and residents of West Deeping would like to thank Lincolnshire County Council (LCC) for their invitation to comment on the scoping request for the proposed open cast mine development right next to the village of West Deeping.

A proposal that -

- Would add yet another 30 years of mineral extraction to the burden of cumulative impact that the village and parish has had to endure for over 70 years now.
- Would bring mineral extraction right to the village edge and immediately adjacent to residents' homes, gardens and our amenities.
- Would bring mineral extraction immediately adjacent to our important heritage assets and would further destroy their settings and that of our conservation area.
- **Would increase the area of the parish that would have been quarried from just over the 50% that it is now to over 75%.**
- and would permanently and irrevocably change our landscape.

We do, as always, understand the compelling need for minerals, and we do further understand that the minerals are only to be found where they lie. That said however, we are acutely aware of LCC's policies for mineral extraction, and we are further aware of the extent of LCC's area of search, and of the local, regional and National plans and policies.

We do wish to draw the applicant's attention and that of the primary mineral authority here that the NPPF does quite clearly point out that -

There is to be no presumption (NPPF) that mineral resources defined will be worked.

It seems to have become a fait accompli that if there are minerals in the ground then we have to mine them, otherwise they will be 'sterilised'. This is what the quarry companies and the minerals and waste teams would have you believe.

And yet at what expense?

Those who have been chosen to try and ascertain the appropriate balance between the plundering of our natural resources for the benefit of the larger society versus the impact that this has on our existing society, have strived to ensure that the appropriate balances are maintained. To that end we are all bound to abide by the NPPF and local and regional policies, and we should rightly consider these to be a sensible guide.

It is true that a perfect balance between these various policies and ideals is impossible to accomplish however principle guidelines are in place to endeavour to ensure an appropriate and safe balance.

As we have seen recently in the post office scandal, setting targets to achieve inappropriate goals inevitably results in disastrous consequences.

We are, of course, the statutory consultee who represents those who would be most acutely affected by these horrific proposals and it is our lives and amenities whom Breedon are proposing to severely impact.

It is therefore of the utmost importance that the greatest weight be placed on our representations in this regard and LCC as the mineral planning authority should take great heed in our genuine concerns. We are the closest receptors to this proposed long-term industrial development in our rural landscape and we are those in the best position to assess the direct impacts on us having lived in close proximity to quarries for over 70 years now.

Further, it is our contention that the appropriate balance between adhering to planning policies and approving mineral extraction activities is not being appropriately or properly managed by the LCC minerals and waste team.

LCC's failures in requiring proper and complete assessments from the applicants for mineral extraction over recent years has been scandalous and we insist that this is addressed in this proposed application, if it does indeed come forward.

This proposal is for a site with Level 1 Absolute Constraints¹ which should have precluded it from selection in the MWLP Site Locations (adopted 2017). We have yet to receive any justification as to why LCC Policy was ignored here.

As such the site has enormous limitations which the applicant is failing to recognise and address. Indeed, we further point out the contempt and disdain the applicant is showing for these constraints – particularly those involving heritage assets and the human impact on the residents of West Deeping.

- Cemex in their initial submission of this site to the MWLP site selection would have had to provide **'evidence that the development of the site/area would not have an adverse impact on the protected area/asset (including, where appropriate, its setting)'**. The heritage impact assessment commissioned and submitted by Cemex and prepared by MOLA (Appendix H) has many flaws and conflicts significantly with the HIA prepared and submitted by the owners of Molecey Mill & The Granary the very highly significant heritage assets which sit immediately adjacent to the site. Historic England remained unconvinced by the Cemex/MOLA HIA and voiced their opinions at the time. As did the WDPC – also reference under Appendix H.

It is the considered opinion of the WDPC having compared the two HIA's and visited the sites that the adjacent heritage assets and their settings would be significantly and permanently harmed by the proposed open cast mines.

- Historic England's response to the initial consultations about MS29 and its inclusion in the Site Location document commented thus -... *Historic England's concerns about the potential impact of the proposed mineral extraction allocation site MS29-SL (West Deeping) remain. Appendix 13 (November 2016) concludes, for this site, that 'the main issues are likely to relate to the impacts on... the setting of nearby listed buildings and the character and appearance of the West Deeping Conservation Area; archaeology...' amongst others.*

Historic England is concerned that the allocation is being put forward for consideration on the basis that more detailed assessment of the historic environment, heritage assets and setting is essentially being deferred to the planning application stage.

¹ LCC MWLP Site Selection Methodology

In terms of national policy guidance, the Plan allocation MS29-SL (West Deeping)

*- **fails to demonstrate that** the site allocation will deliver a “positive strategy for the historic environment” as is required by NPPF Paragraph 126.*

*- **fails to demonstrate that** the site allocation will be likely to “contribute to protecting or enhancing the historic environment”. Therefore, it has not shown that it is likely to deliver sustainable development in terms of the historic environment [NPPF Paragraph 7].*

*- **fails to demonstrate that** the site allocation is likely to “conserve heritage assets in a manner appropriate to their significance”. Therefore it has not shown that it will be likely to deliver the Government’s objectives for the historic environment [NPPF Paragraph 17].*

*- **fails to demonstrate that** it has complied with the statutory duty under S72 of the Planning (Listed Buildings and Conservation Areas) Act, 1990 to pay “special attention” to “the desirability of preserving or enhancing the character or appearance” of its Conservation Areas.*

*- At preferred option stage it should be clear whether a potential allocation site impacts on the setting of a heritage asset or not. **The absence of any meaningful evaluation must bring into question the deliverability of MS29-SL (West Deeping) as a mineral extraction site, or the amount of extraction which might take place taking into consideration what mitigation might be required if considered to be an appropriate way forward.***

There can be no confusion here that Historic England suggest that a proper and meaningful evaluation of the impacts on our heritage assets, our conservation area and their settings should have been carried out prior to the site’s consideration as a suitable mineral extraction site. It further goes on to suggest that with the correct and proper mitigation to protect these assets there would be precious little site left to extract from.

The owners of Grade II* Molecey Mill & The Granary, the Level 1 absolute Constraint immediately adjacent to the site have, in the absence of any meaningful Heritage Impact Assessment from the applicants, commissioned their own heritage impact assessments (HIA) which are attached under *Appendix A*. The reports are damning on the adverse impacts that would be experienced by these heritage assets because of the proposed mineral extraction activities.

The WDPC invites the applicants to reassess their proposal to properly reflect an appropriate understanding of these and all the constraints of this proposed site outlined in this document.

The WDPC would like to further confirm the unanimous opposition to these proposed mineral extraction developments so close to the village of West Deeping. This proposed quarry does not conform with many LCC policies on mineral extraction and the applicants should be advised that we consider that in their current form these proposals should have no legitimacy in the planning framework. We further consider that the applicants should cease their pursuit of planning permission for the site immediately.

There are many inconsistencies in this scoping request –

The reports submitted offer conflicting information, statement of intent and inadequate detail concerning the true scope. I.e. EIA/15/23 – Breedon PEA Documents submitted to enable appropriate EIA assessment criteria BUT are full of contradictions: -

Appendix One - *“for the extension of West Deeping Quarry”*

Scoping Request - *“replacement site”*

Appendix C – *“restoration will show the site return to agricultural use”*

Scoping Document – *“currently agricultural land, return to a water focused ecological and leisure restoration after use”*

Appendix C – *“village located 275 m to the West”*

Scoping Document – *“properties 220m to the west”*

(n.b. the nearest village property is less than 200 metres from the boundary)

If the council chooses to overlook these contradictions, and other areas of ambiguity, in their considerations rather than challenge them and request for full transparency in the EIA (as per regulations on the next page), they will clearly demonstrate complicity in bypassing assessment that should legally be in place to protect ‘quality of life’ and the environment.

As we are sure you will appreciate in order to provide a meaningful Scoping Opinion a definite understanding of the proposal being put forward by Breedon Trading Limited is essential.

Section 1 - Background

Background

- i. Planning History
- ii. The allocation of MS29-SL
- iii. The proposed sites SG17 and SG11
- iv. Stand-off Distances and Mitigation - The Planning Creep
- v. Previous scoping requests

Planning History

The MS29-SL site was first proposed for mineral extraction as far back as 2014 in the 'Updating the Minerals and Waste Local Plan' under the Site Selection process by Cemex as an extension to their existing West Deeping Quarry.

That it should never have been considered further as a suitable site due to its Level 1 Absolute Constraints as there was **no evidence that the development of the site/area would not have an adverse impact on the protected area/asset (including, where appropriate, its setting)**, we have briefly discussed in the introduction and will discuss further later.

The MS29-SL site was adopted in the MWLP in 2017 as an extension to the existing West Deeping Quarry retaining the original processing plant to the north of the A1175.

Breedon submitted a scoping request in February 2022 under reference **EIA/28/22** to propose to mine the site whilst retaining a processing plant on their existing site.

The site then came under further scrutiny during the November 2022 Call for sites exercise in the current Updating of the MWLP where Breedon first presented the site with a new processing plant included thereon.

We explore the responses to these planning exercises in depth in the last part of this section and include a comprehensive list of all the responses in the Appendices D, E, F, H & L in order that all the valid points raised at various opportunities by the various statutory and other consultees will not be forgotten or overlooked.

The Allocation of MS29-SL

This new proposed application by Breedon to mine the minerals of the MS29-SL site, as presented and as admitted proposes to build a new processing plant on the site.

It has further been admitted that this can no longer be considered as an extension to the existing quarry but as a new site. LCC have correctly informed the applicant that as this constitutes '*a significant change in circumstances*'² from the original application and that the proper procedure is for the applicants to resubmit the site in the new draft minerals and waste plan for the correct and proper thorough assessment as to its appropriateness and need.

Whilst the applicants have consented to do this under the new proposed SG17 site in the new draft LMWLP, together with a future enormous extension proposed under SG11, they, Breedon have chosen to pursue planning permission for the site prior to its proper consideration in the new plan.

LCC have not carried forward the MS29-SL site in their proposed new site selections in the LMWLP. It has been re-presented by Breedon and it is included under reference SG17. An extension to this site has also been presented under reference SG11.

It can safely be concluded that by advancing the proposal in its current proposed format with a processing plant on the site and the 'significant changes in circumstances' that this represents, **that site can no longer be considered as an allocated site under this proposal.**

There is a policy preference for extensions to existing sites and therefore in re-presenting this site as a new site this preference is thus removed and the site automatically returns to a lower position in the selection process. With its Level 1 Absolute Constraints, this then calls in to question its suitability and deliverability as a mineral extraction site.

The proposed sites SG17 and SG11

It has become clear and apparent that Breedon's primary objective in wishing to move the processing plant to the south side of the A1175 onto the proposed site and next to the village of West Deeping is a duplicitous one in that were they to obtain permission to mine this site with the plant there and as a new quarry, then their next application to mine the SG11 site would be as an extension and therefore that much easier to gain permission for.

LCC identified the incongruity in Breedon's submission of two sites during the call for sites process in Updating the MWLP, when, if approved, they are clearly going to be continually mined as one. LCC suggested to Breedon that it would be more transparent and correct to combine the two applications as one and resubmit them in the new draft LMWLP. (Copies of Correspondence included under Appendix D)

Breedon have refused to do so and have submitted them independently.

² Appendix C – Letter from LCC to Maria Cotton, Breedon

Breedon's argument³ that they do not intend to mine the sites at the same time does not hold up under scrutiny as by that argument you could surely apply for permissions on a field-by-field basis.

As it is quite apparent that Breedon's long term goal is to create a new 127-hectare site immediately adjacent to the village and to our listed buildings and conservation area, it is only right and proper that any proposals and applications to mine any of this site should treat the site as one.

This is especially important with regards to cumulative impact, historic environment, ecology, destruction of amenity, restoration, timescales, destruction of the landscape and disruption to people's lives.

Living immediately adjacent to a quarry for 7-8 years is one thing but living next to it for another 30 plus years on top of the 70 plus already experienced is a totally different impact. Indeed, if Breedon have their wishes then we will have been living next to quarries for over 100 years.

The WDPC therefore request that any report or assessment that is submitted for this site considers the whole 127-hectare site of SG17 and SG11 as one, together with any areas 'left' as buffer zones or stand off distances.

This should be reflected in all aspects of this proposal as is correct and right under planning law. Any application which comes in which doesn't take this into account in every aspect should be rejected.

Any reports or assessments including but not limited to-

the EIA or EISA,

the detailed Cumulative Impact Assessment,

the detailed assessment of the historic environment,

heritage assets, conservation areas and their settings,

the Socio-Economic Assessment,

the ecology assessments,

any assessments concerning the plant location,

any assessments of transport impacts,

any proposals for restoration,

any flood and hydrology assessments

need to be assessments for the entire 127 hectare, 30 plus year site and not just for the SG17 site. They need to assess the true and prolonged impact of the huge extensive quarry and not try and hide behind a sham small starter proposal. Having lived next to the quarries for so many years we are well aware of the quarry companies' modus operandi of planning creep.

Breedon and LCC will try and have us believe that there is no guarantee that SG11 will be given permission or even carried forward, but history has taught us to be under no illusion that this is the goal of Breedon, the landowner and the minerals and waste team at LCC and as such any proposals and reports must take this into account.

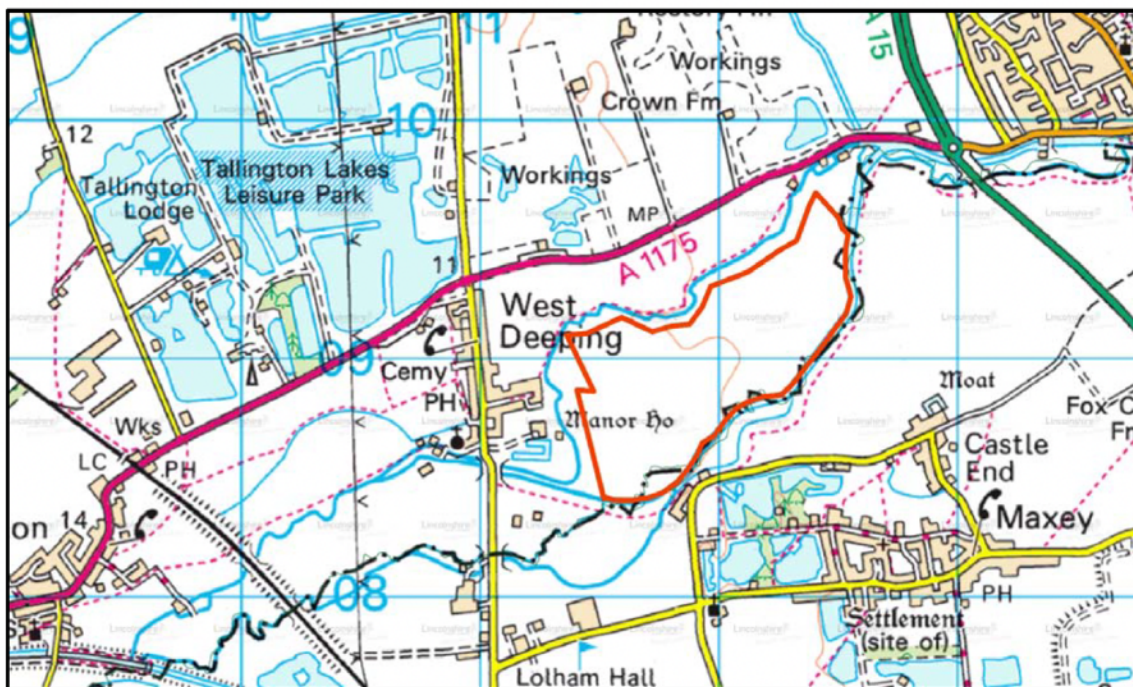
³ Appendix C – Letter from LCC in response to FOI request

We particularly draw the applicant's attention to the extent of the site with regards the cumulative impact assessment which should fully consider the implications of the whole development proposal. This should include an assessment of all supporting infrastructure.

An impact assessment should identify, describe, and evaluate the effects that are likely to result from the project in combination with other projects and activities that are being, have been or will be carried out. The following types of projects should be included in such an assessment (subject to available information):

- a. existing completed projects;
- b. approved but uncompleted projects;
- c. ongoing activities;
- d. plans or projects for which an application has been made and which are under consideration by the consenting authorities; and
- e. plans and projects which are reasonably foreseeable, i.e. projects for which an application has not yet been submitted, but which are likely to progress before completion of the development and for which sufficient information is available to assess the likelihood of cumulative and in-combination effects.

Site reference: SG11 - Land at East Field, West Deeping

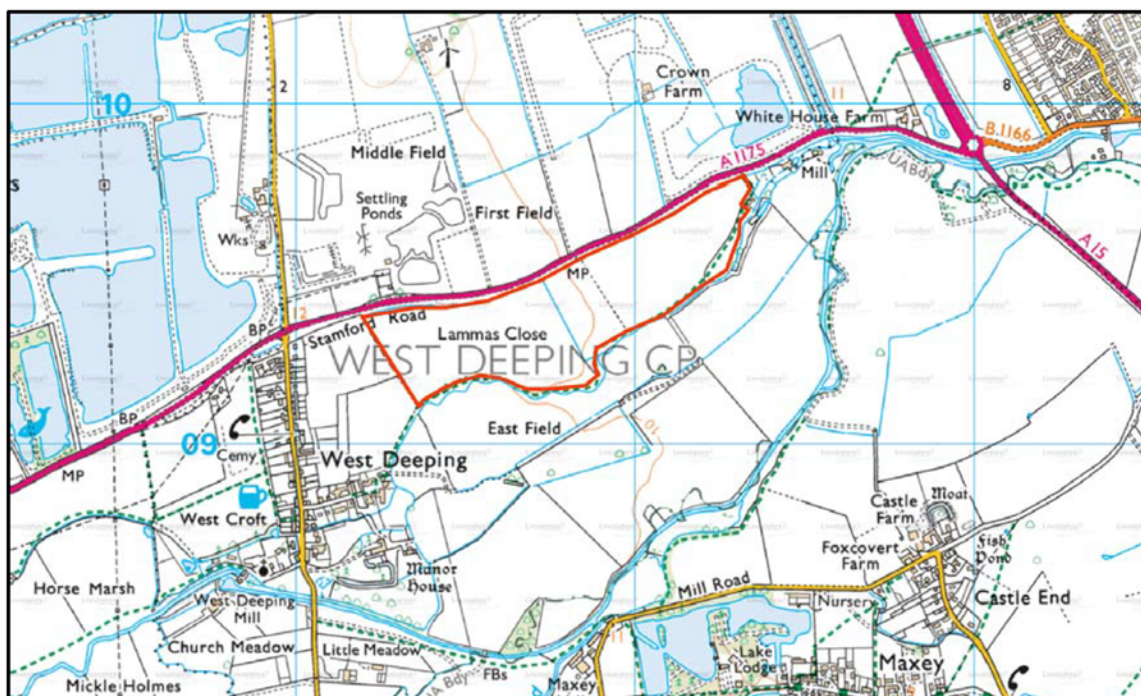


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Site information	Submitted details
Proponent(s)	Breedon Group (prospective operator)
District	South Kesteven
Parish	West Deeping
Location	Land to the east of West Deeping between the two arms of the River Welland
Grid reference	512050 - 309000
Site area	70 ha
New site or extension	Extension (It is proposed that this site would be worked as an extension of the new site nominated under reference SG17)
Mineral resource	Sand and gravel
Mineral reserves	5.5 Mt
Estimated output	250,000 to 300,000 tonnes per annum
Est. vehicle movements	450 per week
Proposed access	The site would utilise the same access onto the A1175 that would be constructed for site nomination SG17

Conveniently and carefully omitted here is that the proposed site would use the same processing plant, proposed for immediately next to the village, as the proposed site SG17 would and therefore this industrial plant would blight the village for 40 plus years.

Site reference: SG17 - Land South of the A1175, Market Deeping



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Site information	Submitted details
Proponent(s)	Breedon Group (prospective operator)
District	South Kesteven
Parish	West Deeping
Location	Land to the east of West Deeping and south of the A1175.
Grid reference	511647 - 309350
Site area	30 ha
New site or extension	New site to replace the West Deeping Quarry
Mineral resource	Sand and gravel
Mineral reserves	1.8 Mt
Estimated output	250,000 to 300,000 tonnes per annum
Est. vehicle movements	450 per week
Proposed access	A new access is proposed onto the A1175

Additional information:

This site is allocated in the Lincolnshire Minerals and Waste Local Plan: Site Locations document under reference MS29-SL as an extension of the King Street Quarry located on the opposite side of the A1175. As an extension, the excavated material would have been transported to the plant site via a conveyor under or over the A1175. This nomination has been made because the site would no longer be worked on that basis. The current proposal is that the nominated site would be a new quarry to replace the West Deeping Quarry (which is operated by a different company to the King Street Quarry). As such the nominated site would have a new access onto the A1175 and its own plant site located in the north west corner of the site.

Stand-off Distances and Mitigation – The planning creep

In West Deeping, there is a long and continuous history of quarrying over the last 70 plus years and recent history has set precedents concerning stand-off distances in mineral extraction.

Buffer fields and stand-off distances historically put in place to secure successful planning applications with promises of protection for residents and their homes and lives have been successfully and unremittingly eroded by the mineral companies and they have been aided and abetted in this by LCC.

Buffer fields or stand-off distances can therefore no longer be considered appropriate to use as tools to mitigate against the multitude of adverse invasive effects of quarrying. The protections once afforded by those tools can no longer be relied upon and thus, they cannot be used as mitigation.

It is only right to now work with a worst case scenario that in due course that the applicant given their past history will apply to reduce stand-off distances to 25m from peoples' homes and therefore all stand-off distances proposed as mitigation should be considered to be only 25m.

Recent planning applications – PL/0129/22 and PL/0130/22 have successfully reduced mineral extraction boundaries from 100m to 25m from resident's homes despite these boundaries historically being put in place for our protection.

Planning applications PL/0083/23 and S22/0756 have successfully removed the two closest remaining fields closest to the village of West Deeping historically put in place to protect the village from the multitude of adverse invasive effects of quarrying.

Planning Applications PL/0069/16 and PL/0068/16 have allowed the Breedon processing site to become the service and storage centre for Breedon Aggregate England's entire Lincolnshire truck fleet, enormously increasing the volume of traffic around the village and on King Street.

Planning Applications PL/0015/19, S/01304/89, S/0552/90, S1588/89, S/0991/95, PL/0015/19, PL/0026/22, S22/0756, PL/0129/22, PL/0130/22 and PL/0083/23 have extended the original West Deeping quarry time and time and time again.

Planning Application PL/0044/22 has allowed the importation of minerals to the Cemex site for processing, increasing the amount of traffic around the village and on King Street.

Breedon claim in their scoping report to wish to leave stand-off distances or buffer fields to residents' properties, sensitive ecological and human receptors and to our important heritage assets and our conservation area. These proposed distances are 200m to the closest homes in West Deeping (making no consideration for their setting), 200m to our conservation area (making no consideration for its setting), 150m to the 'particularly important' Grade II* listed Molecey Mill & The Granary, (making no consideration for its setting) and 30m to the Mill Stream of the River Welland (making no consideration to the setting of the Public Right of Way). None of these can or

should be believed given recent history and as such cannot be considered as mitigation factors against the potential negative effects of the proposed mining.

What price our gardens, the buffer fields, and even the rivers?



Fig 1: Illustration of true extent of proposed New West Deeping Quarry

The current proposals would have us believe that the mineral extraction boundary will be the area outlined in red in Figure 3, however recent history dictates that it will be the area outlined in yellow as outlined in Figure 1. As such any planning application, any impact report on the negative effects of the mining and the entire EIA should take this into account or be considered irrelevant and not representational of the potential scope of the damage and impact on the environment, our human rights, and our community.

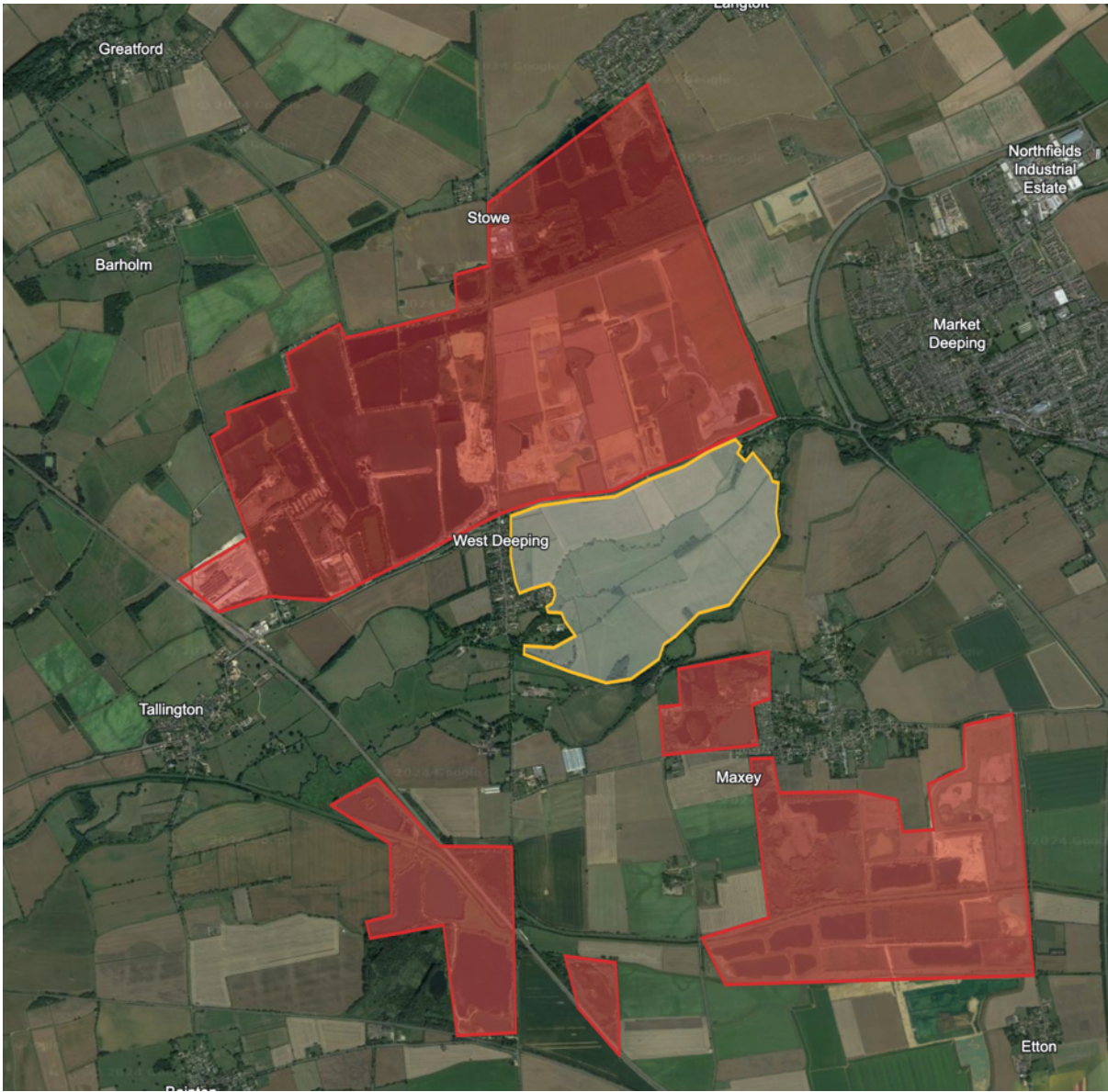


Fig 2: Existing and Completed Quarries in the West Deeping Area outlined in red
– proposed new 127-hectare quarry outlined in yellow

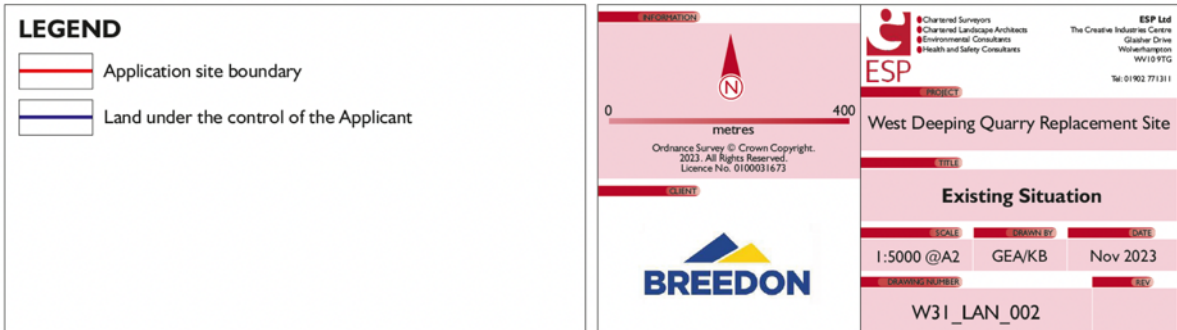


Fig 3: What Breedon would like you to believe is the extent of their quarry when the reality is completely different.

Previous Scoping Requests for this site

The proposed development site has been presented for comment and scoping opinion on three previous occasions and many of the comments made at these opportunities by the various statutory and other consultees remain valid today. We reiterate all these comments under *Appendix E*.

We do however repeat here for clarity those we suggest the applicant should be paying special attention to -

Summary of representations to the Site Locations (Pre-Submission Draft) 2014- November 2016, and the County Council's responses

Consultee – Historic England

Details why not legally compliant, unsound or fails DTC (duty to cooperate)

Historic England refers to previous correspondence of 2014 and January and August 2016 in relation to the draft Minerals and Waste Plan and, in particular, our comments on MS29-SL (West Deeping).

Whilst the revisions to site assessment methodology are acknowledged, and welcomed, Historic England's concerns about the potential impact of the proposed mineral extraction allocation site MS29-SL (West Deeping) remain. Appendix 13 (November 2016) concludes, for this site, that 'the main issues are likely to relate to the impacts on... the setting of nearby listed buildings and the character and appearance of the West Deeping Conservation Area; archaeology...' amongst others.

Historic England is concerned that the allocation is being put forward for consideration on the basis that more detailed assessment of the historic environment, heritage assets and setting is essentially being deferred to the planning application stage. In terms of national policy guidance, the Plan allocation MS29-SL (West Deeping) fails to demonstrate that:-

- *The site allocation will deliver a "positive strategy for the historic environment" as is required by NPPF Paragraph 126.*
- *The site allocation will be likely to "contribute to protecting or enhancing the historic environment". Therefore, it has not shown that it is likely to deliver sustainable development in terms of the historic environment [NPPF Paragraph 7].*
- *The site allocation is likely to "conserve heritage assets in a manner appropriate to their significance". Therefore it has not shown that it will be likely to deliver the Government's objectives for the historic environment [NPPF Paragraph 17].*
- *It has complied with the statutory duty under S72 of the Planning (Listed Buildings and Conservation Areas) Act, 1990 to pay "special attention" to "the desirability of preserving or enhancing the character or appearance" of its Conservation Areas.*

At preferred option stage it should be clear whether a potential allocation site impacts on the setting of a heritage asset or not.

The absence of any meaningful evaluation must bring into question the deliverability of MS29-SL (West Deeping) as a mineral extraction site, or the amount of extraction which might take place taking into consideration what mitigation might be required if considered to be an appropriate way forward.

Historic England would be grateful to be kept informed of any further assessment work which may be undertaken in respect of this site and would be pleased to discuss further ahead of the Plan EIP. We would also wish to be informed of the EIP hearing dates and times in due course and may wish to attend the hearings to discuss the site in relation to the historic environment.

They further comment - Historic England is of the view that further analysis of the proposal in respect of the historic environment by the Council would assist with informing considerations in respect of the site MS29-SL (West Deeping). We would be pleased to discuss this with you should further assessment work be undertaken ahead of the EIP. Should allocation MS29- SL (West Deeping) proceed within the plan without further historic environment assessment, Historic England would wish to have opportunity to set out its concerns in respect of the impact of the allocation on the historic environment, heritage assets and associated setting.

The County Council Officer Response -

As part of the site assessment process, and in response to concerns previously raised by Historic England, further information was sought and received from the site promoter in relation to potential impacts of the site on the historic environment and its setting. This information was evaluated and discussed with the Councils Historic Environment team and sent to Historic England for comment. Historic England responded noting that they do not comment on site specifics until planning application stage. Based on the information submitted and comments received the Planning Authority considers that the proposed allocation is acceptable subject to any subsequent planning application complying with the relevant policies in the Core Strategy and the associated Development Brief in the SLD.

Consultee – West Deeping Parish Council

Details why not legally compliant, unsound or fails DTC

In responding to your offer of consultation on the process of implementing the above plan West Deeping Parish Council would observe that the aspects you are prepared to consult on are limited. Paragraphs 1) to 5) below deal with points we believe to be admissible and of importance. We would appreciate both yours & the Inspectors observations on these points. We have copied our MP so he can maintain a watching brief with regard to the overall level of extraction and the degree of cooperation we are accorded. We will participate in the Inspectors examination of the plan and provide oral evidence as appropriate.

1. Extensive areas of land in West Deeping Parish have been, or may be in future, subject to mineral extraction. As you will be aware some 50% of the land area of West Deeping Parish has already been approved and largely extracted in the area to the north of the A1175 and east of King St. The current plan provides for a further 15% or so to be extracted from the designated area to the south of the A1175 and east of the village. We have provided a map of the Parish with this letter that outlines its total area together with a map of the village Conservation zone. We request this area data be held as a matter of record for consideration within any plan or planning permission that might emerge now

or in the future. This is to help determine an acceptable upper limit to mineral extraction within this Parish.

2. Human impact; We find it astonishing that the process documentation of this plan includes a 73-page Habitat Assessment yet there is little evidence that the impact on humans in the Parish has been treated in a similarly thorough manner. We consider a comprehensive Impact Assessment of the effects of implementation on inhabitants of the Parish and those passing through should be undertaken so as to render the plan process sound and compliant with a duty to cooperate.

3. Cooperation; When Anglian Water experienced problems with the foul drainage of the village in 2013/14 their officials attended more than one Parish Council meeting. They explained the problem, discussed intended remedies and answered resident's questions to the best of their ability. Lincolnshire County Council Planning has made no similar contact with regard to this plan process. No visit, no face-to-face meetings, no discussion of the plan, no meeting with Parish Council or exhibition of plans in Village Hall. This suggests the inhabitants are not deemed relevant to the process. We consider there has been a failure of the duty to cooperate.

4. Mitigation & Compensation;

We reference the Core Strategy & Development Management Policies (as adopted June 2016). Para 7.6 'Council seeks to conclude planning agreements.... regarding community gain in mitigation or compensation for the effects of mineral development,' Para 7.12 'material considerations include impacts on local communities.' Policy R1 Restoration & Aftercare 'secure long term maintenance' & 'appropriate aftercare'. Policy R2 After Use 'enhances landscape character and natural historic environment of the area', 'improvements for public access'. The existence of these clauses and policies indicates that there is a moral dimension to a plan process that requires as much as 65% (Para 1) of the land area of a Parish to be dug up for mineral extraction. They also indicate recognition that a local community is indeed impacted (Para 2 & 3).

It may well be the case that the MS29-SL extension must proceed in which case we request participation in the pre-application process of the planning permission application that Cemex Ltd are expected to make. You have provided this provision for yourselves (Appendix 1, Development Brief. p27 para 2) and we request your cooperation in the inclusion of WD Parish Council as well.

The restoration plan agreed for the extension must provide benefit to this community in the nature of the arrangements made and its future ownership determined. The extension area lies very close to the village and a Public RoW runs along the line of the River and old Stamford canal on the south side. We consider a parkland area in which children could play, dogs be walked and the natural habitat enjoyed to be the minimum appropriate. We look forward to your reply regarding the points above and to your subsequent cooperation.

The County Council Officer Response -

Issues raised will be considered at planning application stage. All sites submitted during the production of the Site Locations document have been subject to a comprehensive and detailed site assessment process, as set out in the accompanying Sites and Areas Report.

As a result, the Planning Authority has selected the most appropriate sites to deliver the requirements of the Adopted Core Strategy for the Plan period.

Comprehensive consultation and engagement has been undertaken as detailed in the Consultation Statement and Duty to Cooperate Statement.

Appropriate consultation will be carried out at planning application stage.

Consultee – The Environment Agency

Details why not legally compliant, unsound or fails DTC

For information we are confident that any flood risk issues associated with this site can be managed by a suitably informed flood risk assessment at the planning application stage. Suggested additional text to Development Brief in italics: The new allowances for climate change recommended by the government to developers in respect of flood risk have increased.

Given that this site lies adjacent to the River Welland it could be to the advantage of the developer to review flood risks at this site.

The section on “Other Issues” (Page30) in Appendix 1 could usefully highlight the range of activities associated with minerals and waste developments which are likely to need an environmental permit. This might be achieved by adding the following bullet points after the first paragraph.

“These include • the management of extractive wastes from quarrying, the use of wastes for reclamation and restoration and the discharge of associated waters to ground- and surface-waters • proposals to deposit, transfer, store or treat controlled wastes • abstraction of water for minerals washing, dust suppression and dewatering activities. • discharges of water from the site • proposed works or structures close to, in, under or over a Main River”

The County Council Officer Response -

Issues raised will be addressed at planning application stage. Accordingly, no amendments considered necessary. The section on 'Other Issues' is intended to provide a 'signpost' to the requirements of other regulatory bodies, but not to specifically identify all potential developments that may require particular permits, or identify all possible organisations and infrastructure providers that may have such requirements and responsibilities, as this would lead to unnecessary complication and duplication. It is the responsibility of site developers to contact relevant regulatory bodies and infrastructure operators with regard to permit, consent and easement requirements relating to particular sites and proposals. Accordingly, the requested additions are not considered necessary.

MS29-SL Site Development Brief

Grid Reference: E512128 N309541 **District:** South Kesteven District Council **Parish:** West Deeping

Production Area: South Lincolnshire

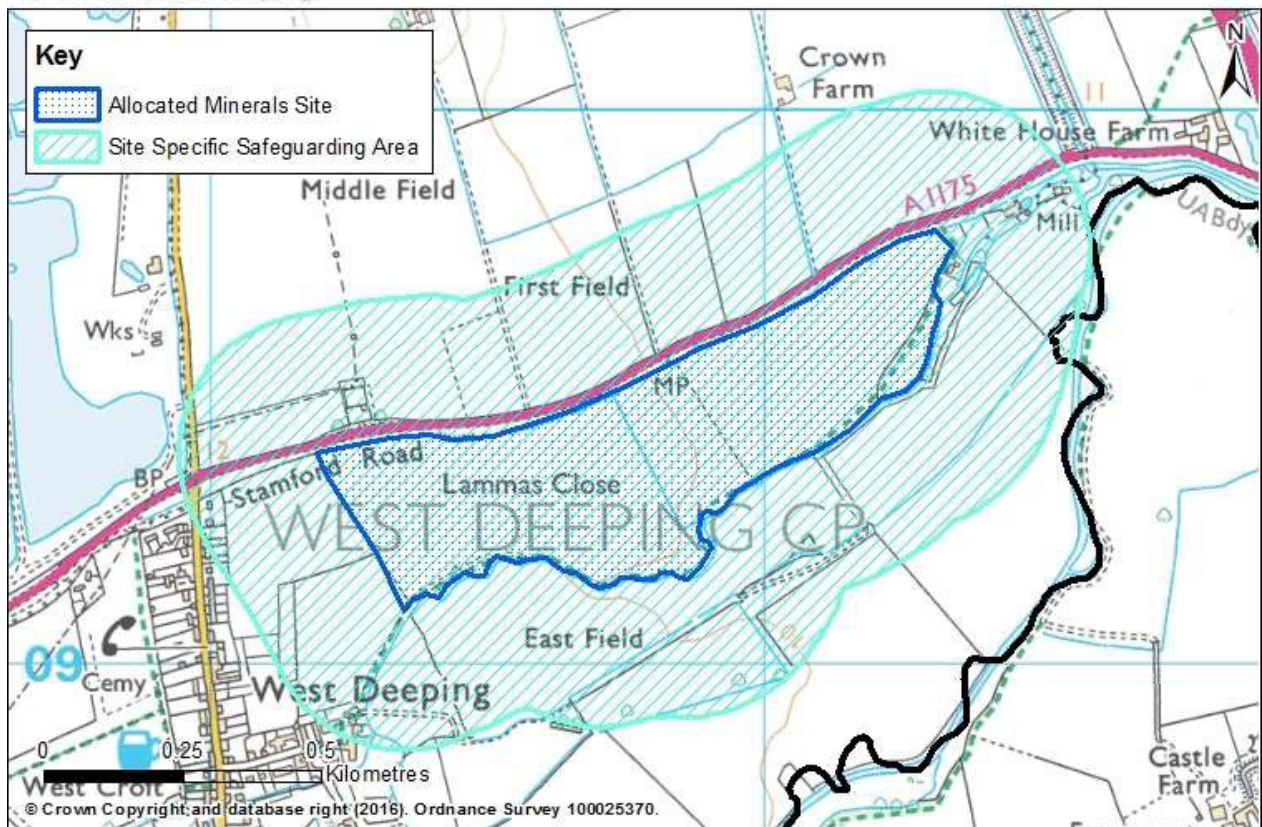
Area of Site: 36.1 ha

Mineral Type: Sand and Gravel

Total Mineral Resource: 2.2mt

Timing of Delivery: 2027 – extension of existing King Street Quarry

MS29-SL West Deeping



Natural Environment

Direct and indirect impacts on the following natural environment assets need to be taken into consideration:

Site is within 7 km of Baston Fen Special Area of Conservation (SAC), designated due to its population of Spined Loach – impacts of the development on this SAC will be subject to close scrutiny and control to ensure that they avoid any adverse impacts on the SAC,

particularly in relation to water quantity, water quality and flows of water as a result of dewatering and drainage.

Any restoration of this site must take into account the potential adverse impacts of tree and woodland planting on the SAC.

- Site is within 6.5 km of Baston and Thurlby Fens Site of Special Scientific Interest (SSSI), on which the Baston Fen SAC designation is based. Natural England produce a list of operations likely to damage the special interest of SSSIs. The operations identified as likely to damage of relevance to this minerals site allocation include tree/woodland planting, drainage, modifications to watercourses, including infilling of dykes, drains, ponds, marshes or pits, management of aquatic and bank vegetation for drainage purposes, changing water levels and tables and water utilisation, extraction of minerals and undertaking engineering operations. The development must include details to address these issues, including mitigation measures if necessary. The impacts of the development on this SSSI will be subject to close scrutiny and control to ensure that they avoid any adverse impacts on the SSSI and therefore the SAC.
- Site is within the Catchment Risk Zone of Cross Drain SSSI, a SSSI which represents one of the best remaining areas of open water typical of fenland in an area where no fenland remains and is notable for an exceptional beetle fauna and diverse aquatic flora.
- Site is within 1.3 km of Langtoft Gravel Pits Site of Special Scientific Interest which comprises a complex of flooded sand and gravel pits supporting plant communities characteristic of calcareous, eutrophic water.
- Tallington Lakes Site of Nature Conservation Interest and candidate Local Wildlife Site lies approximately 240 metres west.

Historic and Cultural Environment

Direct and indirect impacts on the following heritage assets and their settings need to be taken into consideration:

- High potential for archaeology, site contains Bronze Age material.

- **West Deeping Conservation Area.**
- **Site is immediately adjacent to Grade II* Molecey's Mill and Granary and a Grade II Milepost opposite the lane to Rectory Farmhouse.**
- **Settlement of West Deeping has numerous listed buildings including the Grade I Church of St Andrew and Grade II* Manor House.**

- Site in close proximity to the scheduled Maxey Castle and Maxey Conservation Area (both located within Cambridgeshire)

Flood Risk and Water Resources

- Located within Flood Zone 1.
- Site is not situated in the floodplain but is adjacent to a Main River
- An easement of 30 metres from the top of the bank of the river to any mineral excavation should be allowed for to protect the stability of the river bank and ensure that excavation doesn't increase flood risk.
- Site underlain by a Secondary A Aquifer within the superficial deposits, the south east of the site is underlain by a Secondary A Aquifer within bedrock and

the River Welland runs adjacent to the southern boundary of the site – require assessment of impacts and mitigation measures are likely to be required

Transport and Access

- As the site is to be an extension, needs to use existing King Street access for transportation of mineral off-site.
- Provision required to transport material to the existing King Street Quarry for processing via a conveyor over or under the A1175.

Amenity

- Good working practices should be employed to mitigate potential impacts of noise, dust and vibration.
- A Public Right of Way runs along the southern boundary.

Other

- To use King Street Quarry plant site for the processing of all mineral.
- Site within RAF Wittering Safeguarding Area in relation to bird strike.
- Potentially high grade agricultural land – needs to be assessed in any application.
- Overhead telephone lines over the east end of the site.
- Sewer pipes within site.

Restoration Objectives and Priorities

- Need to link to restoration scheme of existing adjacent site which includes agriculture.
- Potential for water storage and flood management measures.
- Priority habitats could include:
 - Wet grassland;
 - Reedbed;
 - Lowland fens;
 - Ponds;
 - Lowland neutral grassland;
 - Marsh and swamp;
 - Shallow open water;
 - Wet woodland
- The potential creation of any waterbodies needs to take into account the relatively close proximity of RAF Wittering and cumulative impacts of the risk of bird strike and will be subject to discussions with the MoD.

Scoping Opinion EIA/28/22 – issued in full under Appendix E

We include the planning officer's summary here, however full responses can be found in Appendix F.

N McBride

Head of Planning

Date: 11 April 2022

Planning

Lincolnshire County Council

County Offices, Newland, Lincoln LN1 1YL

The Lincolnshire County Council hereby gives notice that it has adopted the Scoping Opinion that an Environmental Statement submitted with an EIA application for the development described in Part 1 should include the information set out below.

Information to be supplied in the Environmental Statement

The proposed extension is allocated within the adopted 'Lincolnshire Minerals and Waste Local Plan – Site Locations' (adopted 2017) and is located to the south side of the A1175. Having reviewed the information contained within the document entitled "Scoping Request Southern Extension, West Deeping, South Lincolnshire – prepared by Heaton's dated February 2022 (the Scoping Request) and taking into account comments received from statutory consultees, an Environmental Statement (ES) for the development should include the information set out below.

General Comments

EIA development – Section 3 states that the proposed development falls within Schedule 2(a) of the EIA Regulations 2017, however, as the size of the extension exceeds 25 hectares then this falls within Schedule 1(19) of the EIA Regulations and so an Environmental Impact Assessment is required in every case. The ES should make this clear.

Processing Location – Paragraph 2.1.5 of the Scoping Request states that three options are currently being considered for the processing and transportation of aggregate from the extension area. Each of the options identified are likely to lead to different impacts and so in the absence of a specific option having been identified at this stage it is not possible for us to assess what the significance of any impacts would be from a 'worst-case scenario'. Consequently, the ES will either need to identify a specific option and contain an assessment of the likely impacts arising from this option or contain an assessment of all three options considered in order that a comparison of any significant effects can be identified.

Description of the development

A full description of the site, the existing permitted mineral operations and the surrounding area including the following information:

- details of the site's location and the existing features;
- the existing land uses surrounding the site;
- the planning history of the site;
- details of all existing boundary treatments and screening measures including trees, shrubs, hedges and bunds within or adjacent to the site;
- details of the proposed phasing and restoration proposals;
- details of any new or upgraded means of access to the site;
- details of mitigation measures embedded or proposed as part of the development.

Methodology & Expertise

The ES should identify, describe and assess the likely significant effects of the development. A description of the methods used for data collection should be given together with an indication of any difficulties, including technical deficiencies, unavailable data and gaps in knowledge that have been encountered.

The ES must be prepared by competent experts and should be accompanied by a statement, or the assessments contained therein should contain, information outlining the relevant expertise or qualifications of such experts.

Data required to identify and assess the main effects which the development is likely to have on the environment.

The Mineral Planning Authority (MPA) agrees that the topics listed in Section 4, Paragraph 4.1.1 should form the basis of the Environmental Statement.

Landscape and Visual

The MPA agrees that a Landscape and Visual Impact Assessment (LVIA) should be undertaken in accordance with Guidelines for Landscape and Visual Impact Assessment (GLVIA3). The LVIA should assess any visual effects on the surrounding area and landscape together with any physical effects arising from the proposed working and restoration proposals. The Scoping Request does not identify the extent of the proposed study area or Zone of Theoretical Visibility or any specific viewpoint locations at this stage. Before any detailed landscape and visual impact assessment work is carried out therefore the study area will need to be agreed with the MPA (in consultation with South Kesteven District Council). The study area should be informed by the extent of likely effects rather than an arbitrary study area and take into account localised features.

The assessment should also identify specific viewpoints around the site, including longer distance views where these are possible including from the Public Right of Way that runs through the site. The impact of the development on the Grade II* Listed Molecey's Mill and The Granary should also form part of the LVIA, and this assessment should form part of the overall assessment of the impact of the development on cultural heritage assets (see comments below).

The ES should evidence how the study area has been derived to ensure it is representative and include details of any measures adopted to reduce any perceived impacts including those in-built into the working

design or to be achieved through the provision of specific mitigation measures such as landscape bunds, planting, etc. Details of any landscaping proposals, including timeframes for its implementation and establishment, should also be included within the ES and form part of the assessment of impacts undertaken within the LVIA. The potential effects of the development on the setting of cultural heritage assets will also need to be included as part of the assessment of any necessary mitigation and inter alia, an appropriate landscaping strategy.

The LVIA will also need to consider the cumulative impact of the proposals alongside the existing quarrying operations, and the future restoration of all quarrying sites within the immediate vicinity of the site

(i.e. the operators existing quarry site and the adjacent competitor site). Finally, should the decision be taken to transport mineral using a conveyor (above/below) the A1175 then the visual impacts of this will also need to be taken into account as part of the LVIA.

You are advised to also refer to the advice/comments from the South Kesteven District Council (attached to this decision).

Ecology & Nature Conservation

The MPA agrees that the ES should contain appropriate assessments to assess the impacts of the development on ecology and nature conservation interests that may be affected by the proposal. The proposed approach set out within the Scoping Request is generally acceptable and the MPA agrees that this should include a desk-based study, Preliminary Ecological Assessment (Extended Phase 1 Habitat Survey) species specific surveys as identified within paragraph 4.3.3 of the Scoping Request.

The ES should contain a specific chapter that describes the methods used to assess the impacts, the baseline conditions currently existing at the site and surroundings; the potential direct and indirect impacts of the proposal arising from habitat loss and restoration, disturbance and changes in the site; the mitigation measures required to prevent, reduce, or offset the impacts; and any residual impacts. At this stage however it is unclear whether the proposed assessment work will:

- analyse the impact of the development proposals on the nearby Tallington Lakes (which is designated as a Site of Nature Conservation Interest and a candidate Local Wildlife Site) or the Langtoft Gravel Pits (which is a nationally designated Site of Special Scientific Interest);
- contain an assessment of the habitats as ecological assets in their own right and/or any protected under the Hedgerow Regulations 1997.

We would expect any assessment work to appropriately consider the potential impact of the proposals on the above mentioned designated ecological sites and habitats and therefore this should be clarified and reflected within the ES. All surveys will need to be conducted at the appropriate time(s) of year for the species concerned by a suitably trained and licenced individual. Methodologies, dates of survey, times of survey (where appropriate), and survey personnel should be clearly stated

The ES should also contain a baseline habitat assessment to assess the pre-development biodiversity value of the site in accordance with DEFRA v3.0 metric or any subsequent revisions and the restoration proposals for the proposed southern extension should ensure it provides for Biodiversity Net Gain in accordance with national guidelines.

You are advised to also refer to the advice/comments from the Natural England and South Kesteven District Council, including the referenced appendices (attached to this decision).

Highways & Traffic

The ES should contain appropriate assessments to assess the impacts of the development on the highway network. As stated earlier, a decision has not been made on whether the mineral would be transported from the site via HGV or by conveyor. The ES should therefore identify what the proposed method of transportation will be and assess the impacts of this as part of the proposal. Paragraph 2.1.6 of the Scoping Request states that an initial feasibility study has been carried out to ascertain whether a new access point or upgrade of an existing field access point would provide a suitable means of access to the site. Should the decision be to transport mineral via HGV then the ES will therefore need to identify which access point would be used and whether any upgrade works would be needed to provide a safe and suitable means of access for use by HGVs.

A Transport Statement will be required and should form part of the ES. At this stage the proposed means of transportation for the mineral has not been identified. In principle, a conveyor proposal linking the extension with the existing site would be acceptable and have the benefit of reducing HGV movements and so this is supported if it can be safely constructed to cross the A1175. Should this option be chosen then the ES will need to contain information to demonstrate that this is achievable and to assess any impacts associated with it (e.g. landscape and visual impacts, impacts on highway safety and function, etc). Should it be decided to transport mineral to the processing plant via

HGVs then the Transport Statement will need to assess the suitability of any proposed access onto the A1175, as well as the impact of any additional HGVs on the highway network. Routes to the King Street site should be identified and if these are to involve vehicles travelling along the A1175 before making a right-turn into King Street, the prospective impacts of an increased number of HGV vehicles making this manoeuvre in respect of highways safety and potential capacity/queueing impacts, and any associated mitigation measures that may be required should be identified and detailed within the ES.

You are advised to also refer to the response from the Highway Authority and South Kesteven District Council (attached to this decision).

Noise

The MPA agrees that a noise assessment will be required and should form part of the ES. The noise assessment should identify all sources of noise and, for each source, take account of the noise emission, its characteristics, the proposed operating locations, procedures, schedules and duration of work for the life of the operation, and its likely impact on the surrounding area and any noise sensitive properties. The Planning Practice Guidance 'Minerals' (PPGM) does not contain advice or details on noise prediction methods and the proposed methodology and standards to be applied in carrying out the noise assessment have not been identified within the Scoping Request. Therefore, the ES should identify what methodology has been applied and which standards have been used in carrying out the assessment (e.g. BS 5228-1:2009+A1:2014 'Code of practice for noise and vibration control on construction and open sites. Part 1: Noise' or other such British Standard).

Baseline noise surveys should be carried out at positions representative of the closest noise sensitive properties to the proposed extension area. The Scoping Request does not identify the location of the proposed noise monitoring locations and so these should be agreed in advance with the South Kesteven District Council Environmental Health Officer and MPA and the ES should explain how these have been derived. The noise assessment should contain an assessment of the predicted noise levels arising from the proposed workings and review of these in relation to the existing background noise levels and the noise that is likely to be experienced at the nearest noise sensitive premises to the site. The assessment should identify any embedded or proposed mitigation measures designed to minimise the impacts of the proposed development and identify any anticipated residual effects.

The Scoping Request (paragraphs 4.5.2 and 4.5.3) refers to existing conditions and noise limits attached to the West Deeping Quarry which require noise levels for the operation of plant and machinery during normal day-time operations to not exceed 55dB LAeq (1 hour, free-field) when measured at any noise sensitive property. Whilst this is an existing condition/limit on the current mineral operations it should not be assumed this is an acceptable limit for the proposed extension area. The PPGM makes clear that noise limits on mineral operations at a noise-sensitive property should not exceed the background noise level by more than 10dB(A) during normal working hours and only where it will be difficult not to exceed the background level by more than 10dB(A) should a higher level be considered. In such cases any noise limit should be as near the background +10dB(A) level as practicable and the higher level of 55dB(A) LAeq, 1h (free field) therefore is the maximum level not an automatic limit.

It is not yet clear if de-watering is proposed, however, if this is deemed necessary then the noise assessment should also consider and assess any impacts of noise associated with the running of a generator/pump during night-time hours. The PPGM advises that for any operations during the period.

22.00 – 07.00 noise limits not exceed 42dB(A) LAeq,1h (free field) at a noise sensitive property as a worst-case and therefore the assessment should contain an assessment of any noise arising from such activities and demonstrate compliance with these limits.

You are advised to also refer to the response from South Kesteven District Council (attached to this decision).

Air Quality and Dust

The MPA agrees that an air quality and dust assessment will be required and should form part of the ES. The assessment should be carried out in accordance with the Institute of Air Quality Management (IAQM) 'Guidance on the Assessment of Mineral Dust Impacts for Planning' and reflect that contained within the PPGM.

The dust assessment should contain a baseline study of the existing dust climate around the site of the proposed operations; identify site activities that could lead to dust emission without mitigation; identify site parameters which may increase potential impacts from dust; recommend mitigation measures, including modification of site design and make proposals to monitor and report dust emissions to ensure compliance with appropriate environmental standards and to enable an effective response to complaints.

The Scoping Request does not identify the location of the proposed monitoring locations and so these should be agreed in advance with the South Kesteven District Council Environmental Health Officer and MPA and the ES should explain how these have been derived. Additionally, if a decision on which of the proposed options for transporting/processing mineral from the site is not made before the assessment work is carried out then the ES should consider the potential impacts of all three options in terms of potential impacts of dust/air quality. Although the focus of the ES chapter will be on dust the ES should also consider any indirect impacts of vehicular movements in respect of air quality.

You are advised to also refer to the response from South Kesteven District Council (attached to this decision).

Archaeology and Cultural Heritage

The MPA agrees that an assessment of the potential effects of the development on cultural heritage and archaeological receptors should be undertaken. The Scoping Request confirms that there are two listed buildings which abut the site - these being the Grade II listed Milepost opposite the lane to Rectory Farmhouse and also the Grade II* 'Molecey's Mill and The Granary' which is adjacent to the eastern boundary. The site also has a high potential for archaeological remains potentially of national importance. Sufficient evaluation should therefore be carried out to understand the archaeological potential and to inform a reasonable and appropriate mitigation strategy in the ES. Appropriate assessments should also be undertaken to assess the impacts of the development on the setting of the heritage assets that lie immediately adjacent to the site, and in the locality, that could be affected by the proposals.

In respect of the designated heritage assets, a detailed Built Heritage Impact Assessment should be completed, identifying the relevant assets and assessing the potential impact of the proposals on these assets, using the terms set out within the National Planning Policy Framework. The MPA's Historic Environment Officer and South Kesteven District Council's Conservation Officer should be engaged in the agreement of the appropriate methodology for this assessment. Historic England has also advised that setting impacts be considered not simply in terms of fixed-point visualisations but thoroughly and robustly as set out in out Historic England's Good Practice Advice 3 'Setting of Heritage Assets'.

Consideration should be given to the contribution the land (marked Lammas Close on OS mapping makes to the significance of heritage assets in particular those designated in West Deeping and Maxey including their listed churches (St Andrew and St Peter respectively both Grade I listed, the Grade II* listed Manor house, Maxey's Castle Scheduled Monument and in especial detail the Grade II* listed Molecey's Mill and its relationship to the stream forming the southern application area boundary. The place of Lammas Close in the medieval and later historic landscape should also be assessed.

In respect of archaeology, the Scoping Request refers to a desk-based assessment being carried out and the full suite of available desk-based information needs to be competently assessed including all available records, air photos, LiDAR and local sources. The Scoping Request also refers to site walkovers and geophysical surveys being carried out however does not suggest trial trenching will be undertaken at this stage. The MPA does not agree to the 'scoping out' of trial trenching at this stage and instead the geophysical survey results should be used to inform a robust programme of trial trenching that will provide evidence of the site-specific archaeological potential of the development and form the basis of an effective mitigation strategy to deal with the archaeological impact.

The scope of any assessment and extent of any field work should be agreed with MPA's Historic Environment Officer and South Kesteven District Councils Conservation Officer and should also take into account their comments and that of Historic England and the West Deeping Heritage Group (attached to this decision).

Water Environment (inc. Flood Risk)

The MPA agrees that a full Hydrogeological and Hydrological Assessment (HHA) and Flood Risk Assessment (FRA) will be required and should form part of the ES.

The HHA should contain an assessment of the baseline conditions of the water environment at the site and its environs; identify potential impacts of the proposed development; assess the magnitude and significance of potential impacts, and identify appropriate mitigation measures for any identified potential impacts. The Scoping Request is not clear on whether dewatering would be required at this stage. The ES will therefore need to make clear if dewatering is proposed and assess the potential impacts of this on the water environment and surrounding area during both the operational and restoration phases of the development. For example, if dewatering is proposed then groundwater flows tend to be induced towards the point of dewatering within a radius of influence surrounding the active mineral extraction phase. Any potential impacts therefore need to be identified and mitigation measures identified to minimise the extent of the radius of influence of dewatering on the surrounding area both during and post-restoration especially given the proposals to restore the site to an agricultural after-use.

A site-specific FRA will need to be submitted which is compliant with the National Planning Policy Framework (NPPF) and the accompanying Planning Practice Guidance 'Flood Risk and Coastal Change'. The FRA should include an appraisal of flood risk and any flood levels for the application area and demonstrate surface water flood risk is not increased as a result of the development during its operation and identify any necessary proposed mitigation measures following the Sustainable Urban Drainage hierarchy. The FRA should also take into account the potential impact of the proposed restoration profiles on the hydrological environments, drainage and flood risk to ensure that there will be no long-term effects.

You are advised to also refer to the advice/comments from the Environment Agency, Highway & Lead Local Flood Authority, South Kesteven District Council and West Deeping Heritage Group (attached to this decision).

Public Rights of Way

The Scoping Request confirms that there is an existing Public Right of Way (West Deeping Public Footpath No. 1) running through the site however this is to be retained in-situ during the development. The MPA agrees that the ES should explain what consideration has been given to mitigating the effect of the development on the experience of footpath users and full details of the measures taken to protect this route, including any proposed screening, stand-offs etc should be detailed within the application details.

The MPA does not necessarily require a specific chapter in the ES to be produced to consider the impacts of the development on the Public Right of Way so long as the impacts of the development on this route and users are covered elsewhere (e.g. the relevant chapters dealing with visual impact, noise and dust).

The LCC Rights of Way and Countryside Access Team has confirmed that West Deeping Public Footpath No. 1 is a well-used footpath connecting the communities of West Deeping and Market Deeping and therefore it would be desirable to seek opportunities to enhance and improve the public footpath during the restoration works in order to accommodate both recreational and utilitarian journeys. As a result, it is recommended that this be taken into account when designing the final restoration plans for the site and, where possible, new and extended routes provided as part of the scheme and, if possible, also outside the proposed development boundary (i.e. off-site works or amendments to the existing mineral working areas) in order to create opportunities to enhance and improve routes in the area.

Soils and Land-use

The MPA agrees that this matter should be 'scoped in' and appropriate assessments included as part of the ES. The Scoping Request states that, based on the provisional agricultural land data published by Natural England, the land is a mixture of ALC Grade 2 and Grade 3. In order to fully understand the impact of the development on soil resources and agricultural land quality the assessment within the ES should be based on a combination of desk-based, site survey and sampling and testing techniques to identify and confirm the grade of the soils that lie within the site. The ES should identify any measures to be undertaken to minimise the extent of the loss of any BMV soils either through retention or protection on site throughout the working and restoration phases.

You are advised to also refer to the advice/comments from South Kesteven District Council (attached to this decision).

Climate Change

The MPA agrees that climate change effects should be considered as part of the ES and the proposed approach that potential effects will be assessed within individual topic areas as well as a specific chapter to assess any potential over-arching effects related to climate change.

Cumulative and in-combination effects

The ES should identify, describe and evaluate the effects that are likely to result from the proposed development in combination with other projects and activities that are being, have been or will be carried out. In this case, such projects include:

- the existing mineral extraction operations being carried out at the CEMEX West Deeping Quarry, King Street including current proposed small-scale extension (LCC ref: PL/0026/22);
- Tithe Farm Irrigation Reservoir, Market Deeping (LCC ref: PL/0126/17);
- proposed Greatford Quarry, King Street (LCC ref: PL/0082/22 - pending completion of S106 Planning Obligation);
- Maxey Quarry (Peterborough City Council ref. 10/00151/MMFUL) which will also potentially be subject to additional vehicle movements should a proposal to import materials for restoration purposes be progressed (Peterborough City Council ref: 21/00004/SCOP) as well as an allocation for future sand and gravel extraction as an extension to this site (Local Plan Allocation ref: M033). The ES should consider potential cumulative traffic and transportation impacts given the sites location as there is a reasonable likelihood that a proportion of the vehicles associated with the development would travel south on the A15 into Peterborough.

Alternatives

A number of alternative options have been identified within the Scoping Request which include either transporting mineral from the site via HGV or conveyor; possible alternative site access points (i.e. new access or upgraded existing field access) and new specific plant site within the proposal site or utilisation of existing plant at King Street site. These, along with any other options such as potential amended phasing direction, should be detailed within the ES and a description of these reasonable alternatives studied by the developer and an indication of the main reasons for the option chosen, including a comparison of the environmental effects, should be included within the ES.

Non-technical Summary

A non-technical summary of the information and findings of the ES will need to accompany the application and form part of the ES.

Informative

Attention is drawn to the consultation responses appended to this Scoping Opinion from:

- (i) Environment Agency dated 22 March 2022
- (ii) Historic England dated 23 March 2022
- (iii) LCC Rights of Way & Countryside Access dated 4 March 2022
- (iv) Highway & Lead Local Flood Authority dated 22 March 2022
- (v) Ministry of Defence dated 14 March 2022
- (vi) Natural England dated 10 March 2022
- (vii) Peterborough City Council dated 28 March 2022
- (viii) West Deeping Heritage Group dated 24 March 2022
- (ix) South Kesteven District Council (inc. appendices) dated 8 April 2022

The full details on the coping responses included under Appendix F

Section 2 – Cumulative Impact

Cumulative Impact

For absolute clarity, we ask the applicant and LCC to pay special attention to the following planning policies of Lincolnshire County Council -

DM17

Policy DM17: Cumulative Impacts

Planning permission will be granted for minerals and waste developments where the cumulative impact would not result in significant adverse impacts on the environment of an area or on the amenity of a local community, either in relation to the collective effect of different impacts of an individual proposal, or in relation to the effects of a number of developments occurring either concurrently or successively.

DM3

Policy DM3: Quality of Life and Amenity

Planning permission will be granted for minerals and waste development provided that it does not generate unacceptable adverse impacts arising from:

- noise,
- dust,
- vibration,
- odour,
- litter,
- emissions,
- the migration of contamination,
- illumination,
- visual intrusion,
- run off to protected waters,
- traffic,
- tip- and quarry- slope stability,
- differential settlement of quarry backfill, or
- mining subsidence

to occupants of nearby dwellings and other sensitive receptors.

And in respect of waste development is well designed and contributes positively to the character and quality of the area in which it is to be located.

Where unacceptable impacts are identified, which cannot be addressed through appropriate mitigation measures, planning permission will be refused.

Where DM17 is further explained by LCC thus –

The Cumulative Effect (LCC's Policy DM17: Cumulative Impacts) – Lincolnshire's recent consultation document lays out how sites for quarries should be chosen. Their policy DM17 in this document states - that, in preparing Local Plans, local planning authorities should take into account the cumulative effects of multiple impacts from individual sites and/or a number of sites in a locality; and that, when determining planning applications, local planning authorities should take into account the cumulative effect of multiple Impacts from individual sites and/or from a number of sites in a locality.

It goes on to say It is important to consider the suitability of granting permission for sites which would be in close proximity to other minerals or waste sites. Proposals for simultaneous and/or successive operations at a number of sites in a wider area of commercially-viable deposits may impact on the amenity of communities and localities over an extended period, depending on the nature, age and size of the site(s).

Such cumulative impacts can occur in a number of ways:

- the cumulative impact of a number of separate effects from a single site;*
- the cumulative effects from two or more active sites, including sites being restored or used for waste disposal;*
- the combined effect on the landscape and ecology from the working, re-working and restoration of a number of sites; or*
- the cumulative impact on the quality of life of local communities from a relatively unbroken sequence of working and restoration.*

In Lincolnshire, there are parts of the county where there has been a gradual build-up of sites in close proximity to other mineral sites. For example, sand and gravel extraction has been concentrated in 3 particular areas of the County. The cumulative impacts on amenity to local communities in these areas and on the existing landscape will need careful consideration when considering future developments.

The West Deeping Parish Council has serious concerns that the Mineral Planning Authority has failed and is failing to robustly assess the cumulative impact of the intense quarrying activity in the West Deeping area on its community and residents. Quarrying that has been ongoing for over 70 years with proposals for another 30 plus years.

It is our contention that a suitable and robust cumulative impact assessment should have been commissioned prior to the allocation process in the previous call for sites exercise. FOI requests made by residents have highlighted that there has been no assessment of the Cumulative Impact of these sites prior to their allocation⁴

Indeed it is our contention that the MPA is deliberately steering councillors away from the severity of the cumulative impacts in order to fulfil their landbank supply targets or in this instance to cover the fact that a proper assessment has not been done.

It is important to note here that it is not for us to prove or disprove that the Cumulative Impacts of all the mineral activities should give rise to Objecting to the Proposals, that is for the LCC, the MPA to assess and for Breedon to also robustly assess. It is our contention that this hasn't and isn't being done correctly or at all.

The reasons why we feel that these policies haven't been applied or considered fully enough are -

1. There has been no Cumulative Impact assessment provided by Cemex or Breedon in respect of their recent and current planning applications. LCC has a duty to ensure that their policies are considered. This is a systemic and repeated omission.

⁴ FOI request – Appendix D – correspondence between LCC & Martin Blackwell

2. During the Planning and Regulation committee meeting on the 6th November, LCC Minerals and Waste Officer Marc Willis commented thus –

“Yes thank you chairman Just a couple of observations really, just to remind members that we are dealing with the application that is in front of us today which is dealing with an amendment to conditions relating to the existing operations. A couple of the speakers there have referenced allocations in the local plan and proposed future working and the implications or precedent I guess that they are fearful of in regard to that application that’s not what is in front of you today, the application is for the amendments to the working within this particular site and the impacts associated with that particular heritage asset. as I say, Molecey Mill has been referenced and has been considered within the report and you will see from the recommendations that we are satisfied that the impacts or no impacts or additional impacts are arising from this activity so just to bear that in mind please members when considering this application.

Marc Willis Council planning meeting 06/11/23

3. In LCC’s response to our complaint, Neil McBride, Head of Planning commented thus-

“The applications were rightly considered on their own planning merits, and the allocation has no bearing on whether these proposals are acceptable or not. This is well founded practice within planning law.”

Neil McBride - in response to our complaint email 28/11/23

4. The Committee Report dated 4th September 2023, Mr Willis states-

“Some of the representations received reference sites and that have been put forward by the applicant and operators for consideration as part of this current Minerals & Waste Local Plan Review. These sites include land lying to the south of the A1175 and east of West Deeping village as well as an existing allocated site within the currently adopted Minerals and Waste Local Plan (referred to as MS29-SL). Whilst these concerns are noted, no application has been made to work the MS29-SL and the sites being promoted as part of the Local Plan review are still under consideration and a decision on whether these sites will be taken forward to the next stage of the Plan has yet to be made. Given this, these comments and references to perceived potential impacts arising from these proposals are not relevant or material to consideration or acceptability of these proposals and so are given no weight in the determination of these applications.”

Both Mr. Willis’ and Mr. McBride’s comments show either an ignorance of the planning policies or a deliberate attempt to divert due process and illustrate an underlying bias. The Councillors on the Planning and Regulation Committee are minded to base their decisions on the Committee Report’s prepared by the Officers, and it is our contention that these reports and the information that they are based on do not adequately assess the cumulative impact of the multitude of sites working successively and concurrently around West Deeping.

Cumulative Impact

The WDPC suggest that at the barest minimum, a robust assessment of cumulative impact should follow the following guidelines -

Assessment Approach and Methodology

1. Whilst the NPPF requires consideration of cumulative effects there is no national or local guidance as to how this should be carried out.
2. In the absence of any such policy guidance, what constitutes a robust assessment of cumulative effects has been considered by the High Court in the case of *The Queen (on the application of Leicestershire County Council) v. the Secretary of State for Communities and Local Government and UK Coal Mining Ltd (2007) EWHC Admin 1427*. The case, known as the 'Long Moor judgement' was heard before Mr Justice Burton and was focused around the Secretary of State's granting of planning permission on appeal for surface coal mining at UK Coal's Long Moor site in Leicestershire.
3. The background to the case was that Leicestershire County Council (the Mineral Planning Authority or MPA) had originally refused planning permission on the grounds of cumulative impact. At appeal however, the Inspector and the Secretary of State accepted that none of the individual effects was of sufficient dis-benefit to justify the refusal of permission and accepted that in the absence of a further 'proper assessment', there was nothing to suggest that the cumulative impact was such as to warrant the refusal of permission.
4. When the decision was challenged in the High Court, Mr Justice Burton criticised the MPA's evidence as being based on conclusions which were simple value judgements, with no supporting reasons. Importantly, he concluded that reasons underpinning any conclusions on cumulative effects must be provided by the MPA for it to be considered a 'proper assessment'. In paragraph 41 of his judgement he gives examples of such reasoning as including:
5. Even though each individual area of potential impact was not objectionable yet each such feature was close to objectionability that, although none could be said to be individually objectionable, yet because each was nearly objectionable, the totality was cumulatively objectionable; or one, two, three or four of the particular features were close to being objectionable and that would be an important matter to take into account when looking at the totality; or one particular combination of two or three otherwise unobjectionable features could cause objectionability in their totality; or as was specifically addressed by the Interested Party and by the Inspector here, and found not to be the case, there could be some unusual feature or some unusual combination of features such as to render the combination objectionable when the individual feature was not.
6. The judgement of Mr Justice Burton therefore provides guidance as to how levels of objectionability should be assessed and, how, then they might be considered in combination.
7. Following on from this case the Secretary of State granted planning permission on appeal in respect of the 'Telford case' (Huntington Lane) which involved a proposal by UK Coal to extract 900,000 tonnes of coal and 250,000 tonnes of fireclay near Telford. The Planning Inspector in this case considered that "There are three categories of cumulative impact to consider: namely (i) successive effects (ii) simultaneous effects from concurrent developments, and (iii) combined effects from the same development."
8. The methodology for assessing cumulative impact should therefore take account of the above cases and potentially adopt the approach taken by the Inspector in the Telford case. This is one of the most recent cases to deal with this issue and, in terms of approach, has also received the approval from the Secretary of State.

9. In that regard, an assessment of cumulative effects should have regard to:
 - i. successive effects;
 - ii. simultaneous effects from concurrent developments, and
 - iii. combined effects from the same development.
10. It is suggested that the first and second elements of cumulative impact (successive and simultaneous effects from concurrent developments) should be considered in parallel given that this assessment requires the identification of previous and new minerals developments in the locality (as well as other forms of development that might give rise to similar types of impact). The third element, combined effects from the same development, might be considered separately and will have regard to how potentially close each individual environmental impact is to being unacceptable or objectionable. This then enables a professional judgement to be made on the potential accumulated totality (i.e. the judged acceptability or otherwise of their combined environmental effect).
11. Regard should also be had to the potential for the proposal to give rise to a series of benefits (positive impacts) which could potentially offset or outweigh any harm which might be brought about by the proposed development. In this regard the cumulative impact assessment should therefore consider the potential cumulative benefits of the scheme.

Scope of the Assessment and Potential Receptors

1. The main impacts of the proposed development should be confined to those areas in closest proximity to the proposed site.
2. However, as part of the 'proper assessment' of cumulative impacts it is necessary to consider the potential successive and simultaneous effects of the development on the general locality. A suggested radius of 3 km from the centre of the proposed site might be considered as the 'general locality', taking into account a Zone of Visual Influence which can often be set out in the Landscape and Visual Impact Assessment.
3. In considering potential receptors, regard should be given to the contents of Schedule 4 of the Town and Country Planning (Environmental Impact Assessment) Regulations 1999 (as amended). Schedule 4 seeks to ensure that the impacts upon the following aspects of the environment are considered:
 - i. Population
 - ii. Soils, Flora and Fauna
 - iii. Air and Climatic Factors
 - iv. Archaeological Heritage
 - v. Landscape
 - vi. Transport
4. The assessment should have regard to the potential successive, simultaneous and combined cumulative effects of the development proposal, taking account of their impact upon the above receptors.

Successive and Simultaneous Effects

1. Successive and simultaneous effects comprise the impacts caused by the proposed development in conjunction with other developments that occurred in the past, present or **are likely to occur in the foreseeable future**.
2. As the proposed development is for a new mineral operation, it is appropriate to consider the new effects on the site and its immediate environs together with the cumulative impacts from all of the other activities in the area.

Combining the Potential Environmental Impacts

1. In order to assess the combined effects of the environmental impacts, it is necessary to consider whether some or all of the individually acceptable effects are so close to being unacceptable, that when combined together, the totality is unacceptable. The potential benefits of the proposal must also be considered into the cumulative planning balance.
2. The following Impacts need to be considered singularly and then together as their combined impacts
 - i. Landscape and Visuals
 - ii. Nature Conservation and Ecology
 - iii. Noise
 - iv. Dust and Air Quality
 - v. Cultural Heritage
 - vi. Water Resources Impact
 - vii. Flood Risk

A Report should be submitted by the applicant to assess the potential cumulative impact generated by the proposed development. The impacts that the proposed development could potentially have on the surrounding area need to be assessed.

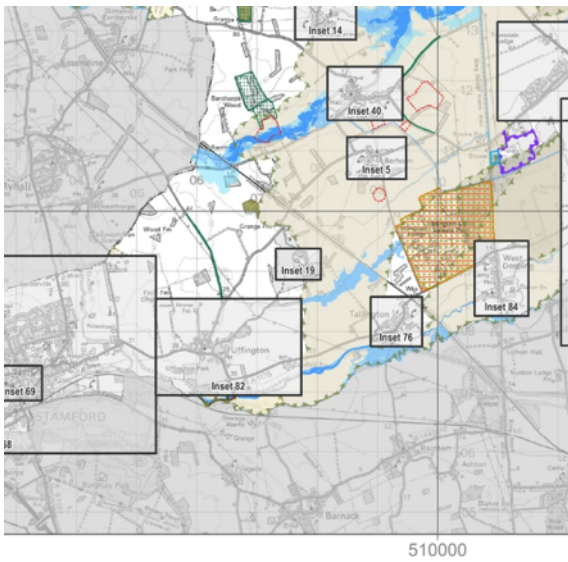
This report should draw together the findings of all the technical assessments and outline whether any cumulative impacts may emerge from the interaction between different environmental impacts.

Cumulative impacts relate to the way in which different impacts can affect a particular environmental resource or location incrementally. In essence, cumulative impacts are those which result from incremental changes caused by other past, present or reasonably foreseeable developments, together with the proposed development. Therefore, the potential impacts of the proposed development cannot be considered in isolation but must be considered in addition to impacts already arising from existing or planned development.







The National Planning Policy Framework (NPPF) states that 'local planning authorities should ensure, in granting planning permission for mineral development, that there are no unacceptable adverse impacts on the natural and historic environment, human health or aviation safety, and take into account the cumulative effect of multiple impacts from individual sites and/or from a number of sites in a locality (paragraph 144).

Good practice suggests that an ES should include a cumulative impact assessment to identify, describe and evaluate the effects that are likely to result from the project in combination with other projects and activities that are being, have been or will be carried out. The following types of projects should be included in such an assessment-

- i. Existing completed projects.
- ii. Approved but incomplete projects.
- iii. Ongoing activities.
- iv. Plans or projects for which an application has been made and which are under consideration by the consenting authorities.**
- v. Plans and projects which are reasonably foreseeable (i.e. projects for which an application has not yet been submitted, but which are likely to progress before completion of the development and for which sufficient information is available to assess the likelihood of cumulative and incombination effects.**



ms in *italics* below are only visible on the separate Inset m

-  **Historic Parks and Gardens** (Policies EN6; GR)
-  **Conservation Areas** (Policy EN6)
-  **Ancient Monuments** (Policy EN6)
-  **Grantham Canal** (Policies E7; E9)
-  **Mineral Safeguarding Areas: Site Specific****
-  **Mineral Safeguarding Areas: Sand and Gravel**



The WDPC also considers that the prospect of cumulative impact effects should also consider fields owned by the owner of the existing proposed site which fall into the minerals safeguarding area and are located to the west of the village. Given recent history it would be foolish to assume that these will not also be targeted for mineral extraction to the village edge on the west side and to people’s homes and gardens. Any Cumulative impact assessment should scope these in as well.

Until such times as such a comprehensive report is produced, we cannot see how Officers and Councillors can make a proper assessment on this application.

The WDPC would further like to draw the applicants’ attention to the fact that as stand-off distances can no longer be considered to provide mitigation for any of the adverse effects of the mining activities, the cumulative impact assessment should reflect this.

Similarly, the WDPC insists that any Cumulative Impact assessment considers the entire 127-hectare site south of the A1175 as one entity and does not just consider the MS29 / SG17 site.

Section 3 – Constraints

Constraints

This is a site with many serious constraints.

It is bordered on the entire eastern boundary by the 'particularly important building of more than special interest' Grade II* listed Molecey Mill & The Granary, and the gardens, grounds and mill stream that form part of its setting.

It is bordered on the entire southern boundary by the Mill Stream of the River Welland. A river that feeds the historic and listed watermill and which therefore is so integral to the function and listing of the historic water mill that it should be considered as part of the listing.

It is bordered on the entire western boundary by the village of West Deeping and its Conservation area, with its Grade I church, its Grade II* Manor House and its 20 other listed heritage assets.

Yet despite all these obvious and important constraints, the applicant Breedon are treating this site as they would any site with no constraints. This is not an open cast mine in the middle of nowhere. This is a development that will have immediate, extensive, long lasting and highly significant effects on many nearby sensitive receptors.

Further when the entire site of the 127-hectare proposed new quarry is taken into consideration, additional significant constraints need to be considered.

The Grade II* Listed Manor House lies immediately adjacent to the proposed site SG11.

The Grade II Maxey Mill lies immediately adjacent to the proposed site SG11.

The main River Welland borders its entire southern boundary.

Constraints – Heritage Assets and the Conservation Area

- i. This is a site with "**Level 1 Absolute Constraints** (*These apply when a site/area is within, contains or is adjacent to an area/asset with a national designation, these being the Lincolnshire Wolds Area of Outstanding Natural Beauty (AONB), heritage assets (Scheduled Monument / listed building) or sites of nature conservation importance (Sites of Special Scientific Interest / Ancient Woodland). The Level 1 Constraints also apply when a site/area is within or adjacent to an internationally designated site or is likely to impact on an internationally designated site.*)"⁵

"Sites/areas that fell within the Level 1 Constraints were not considered further, **unless there was evidence that the development of the site/area would not have an adverse impact on the protected area/asset (including, where appropriate, its setting).**"

Level 1 constraints are of such magnitude that they would normally preclude the advancement of the site for further consideration.

⁵ Lincolnshire Minerals and Waste Local Plan Site Locations Adopted December 2017 – Site Selection Process p.10

- At the time Cemex provided in support of the claim that ‘the development of the site/area would not have an adverse impact on the protected area/asset (including, where appropriate, its setting). A heritage impact assessment commissioned and submitted by Cemex and prepared by MOLA (Appendix H). This has many flaws and conflicts significantly with the HIA prepared and submitted by the owners of Molecey Mill & The Granary the very highly significant Heritage assets which sit immediately adjacent to the site. Historic England remained unconvinced by the Cemex HIA and voiced their opinions at the time. As did the WDPC – also reference under Appendix H.

It is the considered opinion of the WDPC that the adjacent heritage assets and their settings would be significantly and permanently harmed by the proposed open cast mines.

Especially when one considers that the proposed quarry lies in direct sight and immediately adjacent to the heritage asset and its lifeblood – the mill stream of the River Welland.

The current applicant’s scoping request together with its associated maps, stand-off distances and minimal mitigation measures fails to adequately recognise the adverse impacts that the development would have on the adjacent heritage asset and its setting. A setting that by its very nature includes the mill stream of the River Welland, the water source that directly feeds the listed water mill and provides the power to the waterwheel as it has done for 1000 years.

In the absence of any meaningful Heritage Impact Assessment having been conducted by either the Applicant or the County Council, we can rely upon the Heritage impact Assessment commissioned by the owners and custodians of the Grade II* Listed Molecey Mill & The Granary and we highlight the comments of the Planning Consultant here -

We are happy to provide comments on planning merits, in particular heritage impacts which is the principal interest of the consultation.

We understand you are keen to respond to the current call for information as the proposals for further quarrying near Molecey could cause irreversible harm to your property. This would be both through the detrimental impacts to the historic building itself and to your business which you have established to maintain it.

Mineral extraction obviously has scope to considerably impact on amenity through noise, dust, odour, traffic and a myriad of other issues. However, these are likely to be similar to all proposed developments. Noting the consultation document’s purpose to collate details “of any constraints that would apply to the winning and working of minerals and the subsequent restoration of these sites” this note focuses on those issues which are particular to your property and so most relevant to the Council’s site selection process.

Molecey Mill and Granary

The principal building at Molecey is the grade II listed Mill and Granary, now two joined houses, which was added to the statutory list in 1973. The listing denotes the building as being of national importance. A copy of the full listing description is provided as **Attachment 1**, it is however noteworthy that the mill features the only (at the time of listing) working example of Poncelot’s improved design of undershot waterwheel in Lincolnshire.*

The property is not in an area of outstanding natural beauty, nor an area designated as green belt. The Local Plan notes the site as being in open countryside, rather than within the confines of a settlement. The South Kesteven Landscape Character Assessment categorises the site as being within the Fens Landscape Character Area.

The Molecey site is crossed by watercourses, as one would anticipate for a watermill. The remains of the Welland Navigation (River Welland), the Mill Stream and the Trout River all cross the site and have been noted as important to the special character of the mill and granary.

Planning permission was granted in November 2019 (ref. S19/1165) for a change of use from residential to a mixed use including residential and wedding and events venue, civil ceremonies and reception and temporary use of marquees, including creation of a new access and designated car parking. You have implemented this planning permission hosting weddings and other events; however your business is dependent on the ability to host events outside. The mill and granary were not designed as events venues and therefore do not have a suitable large space for gatherings (wedding breakfast, etc) meaning a suitable environment for outdoor (marquee) events is essential to survival of your business which employs local people and sustains the listed building.

Molecey is also your home, it is therefore imperative that it also provides a suitable environment and proper residential amenity for the household.

Impact on heritage assets

The consultation document outlines the methodology the Council intends to apply in allocating sites for mineral extraction. This states “sites which are particularly likely to affect a nationally protected feature/asset would be discounted at the first stage, except where the proponent is able to provide sufficient information to allow any such impact to be adequately assessed” (paragraph 1.12).

Where the required information is available sites would be assessed with allocations considered best based on potential harm/benefits from development.

Any assessment would have to be undertaken in accord with policies of the National Planning Policy Framework (NPPF) which identifies that heritage assets are “an irreplaceable resource, and should be conserved in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life if existing and future generations” (paragraph 189).

The NPPF provides further guidance on considering the impact of potential development on heritage assets. Paragraph 199 stresses that “great weight” should be given to the conservation of assets, the more important the asset the greater that weight should be. Paragraph 200 proceeds to set out any harm to, or loss of, the significance of a designated heritage asset requires clear and convincing justification. Substantial harm or loss of grade II listed buildings should be wholly exceptional.*

Molecey Mill and Granary is a listed building included on the statutory list a designation of national significance. By the Council’s methodology prospective mineral extraction sites which impact upon it should be discounted at the first stage of their review if they do not offer adequate information on potential impacts on the heritage assets.

If the potential sites near to Molecey proceed to assessment, we would expect the Council to afford “great weight” to the protection of the listed building are required by the NPPF. Molecey Mill and Granary is a grade II listed building, the second highest designation. Only 8% of listed buildings in England are classified as grade II* or higher (Historic England). The Council has a duty to afford protection to the building commensurate with its importance.*

The vastness of the potential mineral extraction areas is such that they do not impact on Molecey alone. Potential site SG11 is also in the vicinity of The Manor House on King Street, West Deeping another grade II listed building. Having regard to the relatively small number of buildings afforded grade II* listing nationally it is unusual for a single site to impact upon two of them.*

Time does not allow for us to undertake detailed appraisals of all other potential sites for sand and gravel extraction. However, Historic England’s online map indicates only one other site (SG09) is near to a building listed at grade II or higher (Sudbrook Old Hall).*

There are 16 other potential extraction sites in the document which are not proximate to high-status listed buildings. In this context, having regard to the duty to afford “great weight” to the protection of heritage assets allocation of a site for mineral extraction which impacted upon two grade II listed*

buildings (and numerous other grade II buildings) would require very clear justification. A development which harmed the grade II buildings would need wholly exceptional justification.*

In commenting upon the special character of listed buildings, and so aspects vulnerable to harm, it is important to remark that special interest is not limited to the physical the building, it is also formed by its setting.

Clearly, for a mill the presence of watercourses is intrinsic to the setting of the building. The list description for Molecey notes its waterwheel to be unique as the only surviving example of its type which is intrinsic to the interest of the building. This being the case we suggest anything which put the functioning of the wheel at risk, for example a development which affected the mill stream, would be highly objectionable from a heritage perspective.

Fortunately, you benefit from the heritage appraisal commissioned as part of your planning application to use Molecey as a venue for weddings and other events (LPA ref. S19/S1165). Although the assessment of heritage impacts is specific to that proposal the commentary on the significance of the heritage asset and its setting is useful in considering the potential developments nearby.

*The Statement of Significance section is provided with this letter for convenience as **Attachment 2**.*

I do not repeat the appraisal in full, however it is important to highlight the building is considered to have significant evidential value and historic associative value, and considerable historical illustrative value, aesthetic value, and communal value. It also highlights the importance of the building in contributing to their setting and the historic character of the area.

The appraisal underlines the importance of the watercourses which surround the mill stating: "All three watercourses have a direct relationship with the historic function of the mill and make a significant contribution to its historic, evidential and aesthetic values by allowing the original function and the working processes of the mill to be understood within the current landscape" (7.2.45).

The watercourses collectively also provide indication of how first landscape shaped development, and then, development shaped the landscape. The Welland is the reason the mill was constructed at Molecey, and the fish pass and canal then created as the mill (with others) meant the river was no longer navigable. This legible record of how the area developed is not just important to Molecey, but the wider Deeping Area.

The appraisal also notes agricultural land to the south of the mill contributes to its setting by allowing the building to be appreciated within its original rural context. By contrast, the land to the north which is already quarried is not considered to contribute to the setting of mill. From this we can deduce that the proposed quarrying in the setting (south and west) of Molecey on land which contributes to the setting of the mill would be detrimental to its setting, and so its special interest.

In short, the heritage appraisal for Molecey confirms its status as a heritage asset of national importance. Further, it explains that the building's interest is not derived solely from the structure and its features. Its immediate environs, in particular the watercourses, are important in understanding and appreciating the character, status, and function of the structure. Agricultural land to the south is also assessed as contributing the building's special character. The planning authorities (South Kesteven District Council and Lincolnshire County Council) have a duty to afford great weight to the protection of heritage assets when considering whether to allocated nearby land for development. There are other sites suggested for development which should not impact on high status listed buildings, these would seem highly preferable in heritage terms. In the presence of alternative options development adjacent to Molecey would require very strong justification.

We do not have a similar appraisal for The Manor House at West Deeping; however this should be afforded the same importance as your own (also being a grade II listed building). We do not have detail of the asset's special interest; however the grounds of a country house are ordinarily intrinsic to this, thus development which was detrimental to them is presumed against. Country houses are also often designed and sited to make the best of their surroundings, consequently the agricultural land which forms suggested site allocation SG11 could be important to the setting of the listed building and so should be protected.*

Impact on business

In discussing potential impacts on the listed building at Molecey it should also be noted that the attached appraisal was undertaken some years ago, prior to the establishment of your business which sustains the listed building.

You now (with the benefit of planning permission S19/1165) host weddings and other events at Molecey. The business has allowed you to invest in the listed building to ensure its conservation; the long-term maintenance of the mill and granary is dependent on the continued viability of your business.

Your business is reliant on outdoor events (in marquees etc) as the listed building does not provide a suitable space for groups to gather. We suggest that as your business which is reliant on providing an attractive, enjoyable, high-quality environment in the grounds it is more vulnerable than most (e.g. an office, industry, agriculture, etc) to potential impacts from quarrying. This vulnerability should be borne in mind when considering the likely impact of development proposed nearby.

If quarrying were to occur on the land beyond your southern boundary there would seem significant scope for this to harm your business as potential noise, dust, and general visual impacts would all make the space less attractive as a wedding venue. If the business which sustains the listed building could not continue or could not operate at the same level as it presently does, this would be a further detrimental impact to the listed building. This should be a material consideration for the Council in considering allocations.

In addition, the economic impacts arising to your business, the impacts upon your employees, and the impacts upon businesses with whom you trade, and your guests engage (i.e. local hotels, etc where wedding guests presently stay) should be a material consideration. As noted above, your business would seem more vulnerable to impacts from quarrying than most.

Other impacts

The impacts of quarrying on the proposed sites are of course not limited to those on the listed building. The usual considerations related to amenity from noise, dust, odour, landscape impacts, and the like are all relevant. A quarry obviously has potential to affect the area in all regards.

However, as noted in introduction these are less likely to be unique to Molecey and so of less significance in comparative assessment of sites. We stress though that this does not diminish the importance of these impacts, it is imperative that they are fully appraised to ensure the amenity and wellbeing of all impacted by proposed developments.

Quarrying is an existing feature in the area; however this should not mean that an expansion or continuation of operations is a fait accompli. The NPPF is clear at paragraph 210 the planning authorities have a responsibility to consider the cumulative effects of developments.

The prevailing wind at the proposed site comes from the southwest as can be seen on the diagram below. This means that many of the associated negative effects of the open cast mine would be carried towards Molecey Mill & The Granary. Noise and Dust would be especially troublesome and great consideration is needed to be given to this in light of its harmful effects on the heritage asset and its associated business.

In summary this proposed site and the reports provided are contrary to the NPPF and to LCC's policies on the Historic Environment and their development plan policy in place to protect heritage assets and should be rejected.



Fig 1. Illustration showing how the prevailing wind will carry dust and noise towards Molecey Mill (outlined in Purple)

Constraints - The Impact on the Village and Residents of West Deeping.

The Village of West Deeping and its' Conservation Area lie immediately adjacent to the proposed open-cast mine on the western side and the proposed quarry would be highly visible even with bunding from half of the houses in the village.

The close proximity of the proposed mining activities and the siting of the processing plant with its associated heavy industry, car parks, offices and plant next to the village and the conservation areas brings with it its own constraints which the applicant is failing to address. In deciding to propose to mine so close to a settlement and a community, the applicant needs to accept that there will need to be compromises for there not to be major conflict between the mineral extraction activities and the life and health of the residents. Proposing to work so close to the quiet village and still proposing to start at 7am on a Saturday morning is just one example of the complete contempt that Breedon shows towards the long-suffering residents of West Deeping.

The proposed site should not pass beyond the first stage in assessing site due to its level 1 constraints, however those sites that did pass are then assessed under three further categories, starting with other constraints ("Level 2 Constraints"). These assessed the potential impacts on:

- communities
- water resources and flood risk
- land instability
- landscape/visual intrusion
- nature conservation
- historic environment and built heritage
- traffic and access
- air emissions, including dust
- noise and vibration; other disruptions to amenity (waste sites/areas only)
- aircraft hazard; and
- agricultural land.

The WDPC considers that the health and wellbeing of our villagers has been severely impacted by the 70 plus years of quarrying already endured and considers that the applicants Breedon should be commissioning an independent mental health assessment to assess previous, current and future impacts on our residents mental health and wellbeing as a result of the continuous and unbroken series of years of mineral extraction. This will assist in determining the cumulative impact on our community.

The next category considered the opportunities that might arise from each site/area in relation to:

- accessibility and sustainable transport;
- flood alleviation and water management (mineral sites only);
- co-location and compatible land uses; and
- restoration (mineral sites only).

Issues relating to deliverability, were then considered, namely:

- land ownership (mineral sites only); _operator interest (mineral sites only);
- borehole information (mineral sites only);
- planning history; and conformity with strategic policies in the Core Strategy and Development Management Policies document.

3.10. The site assessment forms also considered the results of the supporting assessments (that is, the Sustainability Appraisal, the Habitats Regulations Assessment and the Flood Risk Sequential Test) to inform the final conclusion.

The assessment form for mineral sites⁶ asks these following questions of the Stage 2 Constraints which are relevant here –

Qu. 6. How close is the site to the nearest sensitive receptors, existing or proposed? (including houses, schools, hospitals, sensitive business uses, public or outdoor recreation uses).

Qu. 7 Are there any nearby receptors that are particularly sensitive to noise, vibration, dust, other emissions to air, and/or light where “standard” mitigation measures may not suffice? If so have any measures been proposed, such as standoffs (buffer zones) within the site?

Qu. 9 Is the site well screened visually from the surrounding area? If not, is any advanced screen planting proposed.

Qu. 11 Would it be likely to affect the setting of a public right of way?

Qu. 13 Is development at this location likely to impact on a site or building with a nationally recognised designation (Scheduled Monuments, Conservation Areas, Listed Buildings grade 1, 2* and 2, Registered Historic Battlefields and Registered Parks and Gardens) or its setting?

Qu. 14 Does the site appear to include habitats with a high potential to harbour protected species (e.g. ponds and copses)? Have any ecological surveys been undertaken?

Qu. 16 Is the site in proximity to a site of local nature conservation importance, or has a nature conservation body identified an area that might be affected? If so, what is the reason for the designation?

Qu. 17 Is the site in proximity to Ancient Woodland or does it appear to include ancient or veteran trees?

Qu. 20 Is the site located in a prominent location that could have a significant impact on the wider landscape?

Qu. 22 Are there likely to be impacts on the quality and quantity of groundwater?

Qu. 23 Are there likely to be other impacts on surface water drainage?

Qu. 24 Are there likely to be any impacts on nearby watercourses?

Qu. 26 Have any significant issues been identified over the proposed means of access to the site.

Qu. 30 Does a significant part of the site fall in an area identified on DEFRA’s 1988 agricultural land classification survey as grade 1, 2 or 3? If so, has a site survey been carried out to establish whether the land comprises best and most versatile agricultural land and have any mitigation measures been proposed?

⁶ Updating of the Lincolnshire Minerals and Waste Local Plan – Consultation on potential mineral sites nominated for allocation in the new plan.

Qu. 31 If the site is likely to include best and most versatile agricultural land have any mitigation measures been put forward.

Qu. 32 Is the site within an airfield safeguarding area (bird strike zone)? If so, have any mitigation measures been put forward?

Qu. 40 Does the site accord with the strategic policies of the emerging LMWLP?

And finally

Are there any specific mitigation measures that have been identified in the appraisal which would need to be taken into account in the allocation process (e.g. standoffs to designated features)?

The answers to these questions highlight the further constraints to which this site is restricted;

the close proximity to all of the houses in West Deeping for all of the adverse effects of the quarrying

the openness and visibility of the site to all the residents of West Deeping

the public right of way and its setting

the adjacency to the River Welland with its habitats for otters, water vole, a multitude of fish and other reptiles, mammals and birds.

The impacts on all the listed heritage assets and the conservation area.

The ancient trees along the riverbank

The ancient hedges between the fields

The huge consequences of dewatering the proposed quarry on the wider landscape

The huge consequences of dewatering the proposed quarry on the River Welland and the River Welland Mill Stream.

The excellent quality of the soil and its use as agricultural land

The location close to the MoD airfield sites

The danger that the proposed new quarry entrance has in quarry trucks joining the high speed A1175

When you consider the cumulative impacts of all of these constraints for this site which, when taken individually might be considered manageable but when taken in culmination surpass the acceptable levels of impact on the community.

Similarly, when you consider that the mitigation tool of stand-off distances or buffer zones has been removed from the arsenal of the mineral planning authorities and of the applicants, a lot of the Stage 2 constraints become unmitigable.

Constraints - AIR QUALITY, NOISE, DUST

This section responds to the scoping request for feedback and recommendations regarding the Environmental Impact Assessment (EIA) of a proposed mineral site in the Parish of West Deeping, south of the A1175. Specifically, it addresses the need for EIA regarding Noise, Artificial Light, and Air Quality.

Significant consideration must be given to the cumulative impact of mineral operations in and around West Deeping Parish, considering both future and historical operations, as well as existing ones, including scale and longevity.

For the past seven decades, mineral operations, have heavily impacted West Deeping Parish. More than 50% of the Parish has been quarried, accompanied by various ancillary operations such as HGV service stations, car parks, offices, concrete production/distribution centres, processing operations, and mineral plant equipment. The constant movements of HGVs, their emissions and spoil spillage also impact the local highways.

Quarrying operations north of the A1175 and east of King Street have continued since the early 1990s, leaving visible scars of mineral extraction even after 30 years. Recent sites are located as close as 60 meters from residential properties in the village of West Deeping, with reduced stand-off distances to historic buildings onsite, at little as 25M recently being permitted by Lincolnshire County Council Planning Committee Councillors.

The mineral operators' strategy of providing minimal information initially combined with ambiguous submissions, facilitates extensions, timeline expansions, variations and changes to previously agreed conditions. This often results in final plans and impacts deviating significantly from the original proposals. It also masks the true level of subsequent impact and certainly removes barriers to planning that would otherwise see greater mitigation, limits and monitoring levels imposed. This also prevents a true and meaningful assessment regarding Cumulative Impact, which should also consider reasonably foreseeable actions included in assessment. The very omission of any reference to SG11 is a perfect example. Just how are consultees to make a true assessment without all the facts.

The reports submitted offer conflicting information, statement of intent and inadequate detail concerning the true scope. I.e. EIA/15/23 – Breedon PEA Documents submitted to enable appropriate EIA assessment criteria BUT are full of contradictions: -

Appendix One - *“for the extension of West Deeping Quarry”*

Scoping Request - *“replacement site”*

Appendix C – *“restoration will show the site return to agricultural use”*

Scoping Document – *“currently agricultural land, return to a water focused ecological and leisure restoration after use”*

Appendix C – *“village located 275 m to the West”*

Scoping Document – *“properties 220m to the west”*


(n.b. the nearest village property is less than 200 metres from the boundary)

If the council chooses to overlook these contradictions, and other areas of ambiguity, in their considerations rather than challenge them and request for full transparency in the EIA (as per regulations on the next page), they will clearly demonstrate complicity in bypassing assessment that should legally be in place to protect 'quality of life' and the environment.

Local governance regarding 'quality-of-life' / "human impact' has been lacking, with the community enduring prolonged exposure to dust, pollution, noise, light pollution, and highway disturbances.

The delay in local restoration is evident, persisting for three decades. It is concerning that consultees are not provided with crucial context regarding cumulative effects at this stage, and the absence of mention of SG11⁷ raises further concerns. The historical pattern of variation and delay reflects compromised planning governance within the Local County Council.

Site reference: SG11 - Land at East Field, West Deeping

	Site information Submitted details
	Proponent(s) Breedon Group (prospective operator)
	District South Kesteven
	Parish West Deeping
	Location Land to the east of West Deeping between the two arms of the River Welland
	Grid reference 512050 - 309000
	Site area 70 ha
	New site or extension Extension (It is proposed that this site would be worked as an extension of the new site nominated under reference SG17)
	Mineral resource Sand and gravel
	Mineral reserves 5.5 Mt
	Estimated output 250,000 to 300,000 tonnes per annum
	Est. vehicle movements 450 per week
	Proposed access The site would utilise the same access onto the A1175 that would be constructed for site nomination SG17

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CUMULATIVE IMPACT - PLANNING CONSIDERATIONS

Cumulative effects can be considered as effects resulting from incremental changes caused by other past, present or reasonably foreseeable actions together with the scheme. 'Reasonably foreseeable' is interpreted to include other projects that are 'committed'. These should include (but not necessarily be limited to) development projects with valid planning permissions as granted by the Local Planning Authority, and for which formal EIA is a requirement or for which non-statutory environmental impact assessment has been undertaken, but the projects have not been constructed. Cumulative effects are the result of multiple actions on receptors or resources. There are principally two types of cumulative effect:

- Type 1 – Where different environmental impacts are acting on one receptor, as a result of the scheme; and
- Type 2 – Where environmental impacts are acting on one receptor, but are the result of multiple projects in combination

The assessment of cumulative effects is required at project level in EIAs by the European Community Directive 'The Assessment of the Effects of Certain Public and Private Projects on the Environment' (85/337EEC) as amended by the Council Directive 97/11/EC.

'Article 3

The environmental impact assessment shall identify, describe and assess in an appropriate manner, in the light of each individual case and in accordance with Articles 4 to 11, the direct and indirect effects of a project on the following factors:

- human beings, fauna and flora;

⁷ plan referenced in both LCC Adopted site location 2017 & LCC sites consultation Document 2022

- soil, water, air, climate and the landscape;
- material assets and the cultural heritage;
- the interaction between the factors mentioned in the first, second and third indents

This Directive is transposed in UK law by Section 105 of the Highways Act 1980 as amended. Schedule 4, Part 1 of the EIA Regulations 2011 states that an ES should include a description of the cumulative effects. The EIA Directive requires consideration of the direct impacts and of any indirect, secondary and cumulative effects of a project. It also requires consideration of the interaction between the environmental factors. The Town and Country Planning (Environmental Impact Assessment) Regulations 2017 also stipulates the need for cumulative effect inclusion in assessment.

Despite Schedule 3 and 4 of the T&C Planning (EIA) regulations 2017 requiring the assessment of risk to Human health, there is little if any reference to that in the scoping request. Not to mention the cumulative effect of decades of local quarrying on the community.

National Planning Policy Framework (NPPF)

As this has now been proven to be a proposal for an unallocated site due to its 'significant changes in circumstances' and further as LCC have excepted it from being carried forward in the new updating the site locations plans, the proposal would come forward (if presented) as outside of the MWL Plan. As such, justification for its refusal is laid out in the NPPF here –

49 Determining Applications: - in the context of the Framework – and in particular the presumption in favour of sustainable development – arguments that an application is premature are unlikely to justify a refusal of planning permission other than in the limited circumstances where both:

a) the development proposed is so substantial, or its cumulative effect would be so significant, that to grant permission would undermine the plan-making process by predetermining decisions about the scale, location or phasing of new development that are central to an emerging plan

191. Planning policies and decisions should also ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development. In doing so they should:

a) mitigate and reduce to a minimum potential adverse impacts resulting from noise from new development – and avoid noise giving rise to significant adverse impacts on health and the quality of life;

b) identify and protect tranquil areas which have remained relatively undisturbed by noise and are prized for their recreational and amenity value for this reason; and

c) limit the impact of light pollution from artificial light on local amenity, intrinsically dark landscapes and nature conservation.

192 Planning policies and decisions should sustain and contribute towards compliance with relevant limit values or national objectives for pollutants, taking into account the presence of Air Quality Management Areas and Clean Air Zones, and the cumulative impacts from individual sites in local areas. Opportunities to improve air quality or mitigate impacts should be identified, such as through traffic and travel management, and green infrastructure provision and enhancement. So far as possible these opportunities should be considered at the plan-making stage, to ensure a strategic approach and limit the need for issues to be reconsidered when determining individual applications.

216 – Planning Policies should:

f) set out criteria or requirements to ensure that permitted and proposed operations do not have unacceptable adverse impacts on the natural and historic environment or human health, taking into account the cumulative effects of multiple impacts from individual sites and/or a number of sites in a locality;

217. When determining planning applications, great weight should be given to the benefits of mineral extraction, including to the economy. In considering proposals for mineral extraction, minerals planning authorities should:

b) ensure that there are no unacceptable adverse impacts on the natural and historic environment, human health or aviation safety, and take into account the cumulative effect of multiple impacts from individual sites and/or from a number of sites in a locality;

LCC Core Strategy Development Management Policies

7.98 The NPPF states that, in preparing Local Plans, local planning authorities should take into account the cumulative effects of multiple impacts from individual sites and/or a number of sites in a locality; and that, when determining planning applications, local planning authorities should take into account the cumulative effect of multiple Impacts from individual sites and/or from a number of sites in a locality.

7.99 It is important to consider the suitability of granting permission for sites which would be in close proximity to other minerals or waste sites. Proposals for simultaneous and/or successive operations at a number of sites in a wider area of commercially-viable deposits may impact on the amenity of communities and localities over an extended period, depending on the nature, age and size of the site(s). Such cumulative impacts can occur in a number of ways:

- the cumulative impact of a number of separate effects from a single site;
- the cumulative effects from two or more active sites, including sites being restored or used for waste disposal.
- the combined effect on the landscape and ecology from the working, re-working and restoration of a number of sites; or
- the cumulative impact on the quality of life of local communities from a relatively unbroken sequence of working and restoration.

7. 100 Adverse cumulative impacts could include increased levels of noise, vibration, dust and artificial lighting. The highway network could also be affected by increased HGV movements with additional hazards related to road safety.

7.101 In Lincolnshire, there are parts of the county where there has been a gradual build-up of sites in close proximity to other mineral sites. For example, sand and gravel extraction has been concentrated in 3 particular areas of the County. The cumulative impacts on amenity to local communities in these areas and on the existing landscape will need careful consideration when considering future developments.

LMWLP

Page 110 Policy DM17: Cumulative Impacts Planning permission will be granted for minerals and waste developments where the cumulative impact would not result in significant adverse impacts on the environment of an area or on the amenity of a local community, either in relation to the collective effect of different impacts of an individual proposal, or in relation to the effects of a number of developments occurring either concurrently or successively.

Despite the unquestionable legislative and numerous Local Authority Policies (some listed above), citing statutory obligation to consider and quantify 'cumulative effects' the Breedon PEA appendix C provides no effort in so doing and states:-

"1.7.2 Other applications or non-implemented consents within the local area have not been considered and therefore the assessment of impacts and effects pertains solely to those associated with the Proposed Development and not cumulative effects arising from other developments in the local area."

Is this not further evidence of the mineral operator's complacency regarding meeting statutory requirements? It indicates their confidence that the scoping report will be subjected to minimal scrutiny, resulting in a weakened EIA remit. Hence resulting in more operational freedoms at the expense of the environment and local communities. There's been little challenge or scrutiny for the past 7 decades which in part explains this approach.

NOISE ASSESSMENT CONSIDERATIONS

Introduction

Suggestions for Environmental Impact Assessment

Relevant Legislation, Planning Guidelines and Local Authority Key Policies

NOISE ASSESSMENT

The prediction of noise for impact assessment requires consideration of both the way sound travels from source to receptor, and analysis of the changing character of the noise during the various phases of the scheme to be assessed. Different predictions and prediction methods may be necessary during site preparation, construction, operation, and decommissioning. For example, when planning for surface mineral working, consideration needs to be given to site preparation, fixed plant noise, mobile plant noise, site restoration and vehicle movements (both within the site and on the local road network).

The basic prediction procedure involves consideration of the nature and noise level of the sources, the propagation along the paths between sources and receptors and the related location of the receptors.

A noise impact assessment reflecting good practice should: be transparent. The process and the results of the assessment should be reported clearly in a format understandable to the non-specialist. The terminology used in the assessment should be clearly defined. The methods used in the assessment should be described, and any deficiencies or limitations of data including any uncertainties, techniques or resources that may have constrained the assessment should be acknowledged.

The NPPF advises that noise monitoring should be carried out periodically to ensure that noise levels associated with site operations remain within acceptable limits. It is recommended that a noise monitoring exercise is carried out within 3 months of commencement of full site operations to ascertain the site noise levels during a period of extraction and processing and then within a period of 3 months following the commencement of extraction within each phase of the quarry. In addition, noise monitoring should be carried out when the extraction and processing plant is located closest to dwellings. Noise monitoring should be a minimum of two 30 minutes noise measurements at key locations onsite.

The results of the monitoring exercise should be compared to the proposed and predicted operating noise limits approved at planning stage (on condition they adhere to national guidance). Should results indicate limits are exceeded further mitigation measures should be considered and implemented. The monitoring results should be presented to the MPA and local Parish Council. and mitigation measures implemented within a reasonably agreed timeframe.

A Noise assessment should be included in the Environmental Impact Assessment to take account of guidelines and legislation below relating to noise pollution. A comprehensive list of National, International legislation, national legislation, and guidelines, relevant extracts from NPPF, NPSE, LMWLP, LCC Sustainability Scoping Doc, SDKC Development Plan is included. The Noise Impact Assessment needs to include:

1. Full methodology applied and explained, in terms of industry best practice.
2. Existing Baseline Assessment from point of sensitive receptors, including dwellings.
3. Predicted noise levels supported with a suitably scaled map – showing location/distance and impact on sensitive receptors, including dwellings, businesses, open-air amenities, protected species etc.,
4. An explanation of when the period of baseline assessment has been conducted.
5. Noise Impact, Noise Effect, Significance of Effect
6. Assessment of Cumulative and in-combination effects.
7. Identifying all predicted sources of noise in relation to all equipment and operations, this should evaluate the various phases separately (eg construction, extraction phases, restoration phases – principal items of plant/equipment likely to be used during each phase of the works) demonstrating a suitably scaled map in relation to impact on sensitive receptors.
8. Times of day of operations (especially considering proximity to residents under 200M).
9. Frequency and duration of different sources
10. Information on the characteristic of the noise,

11. Noise mitigations across criteria of impact – adhering to guideline/legislative considerations, including cumulative impact of multiple operations functions and machinery.
12. An agreed end date of site operations including restoration.

Sample example of Noise Assessment Calculation Details relating to phases & Operations.

Calculated Noise Levels from Site Operations

10-Dec-2013

Receptor: Waterworks Cottage Uses B55228
Height 55 m

Predicted Freefield Noise Levels

	Ref LAeq @10m	No. (/hr)	% On Time	Source Ht	Dist S-R	Barrier Ht	Dist S-B	Distance Attenuation		CRTN Barrier Attenuation	Max Attenuation	LAeq [dB]	Activity LAeq [dB]
								Hard	Soft				
Construction of Stockpile Area Bunds (Temporary Operation)													
Excavator	75.0	1	100	70	300			-29.6	-34.9	0.0	-34.9	40.1	
Excavator Loading Dump Truck	75.8	1	100	67	270			-28.6	-33.8	0.0	-33.8	42.0	
Dump Truck Movements	49.1	24	-	70	270			-28.6	-33.8	0.0	-33.8	29.1	
Dozer Working on Bund	77.0	1	100	72	270			-28.6	-33.8	0.0	-33.8	43.2	46.8
Phase 1 - Beyond 500 Metres from the Dwelling													
Excavation - Phase 2 - Northern End													
Screening Plant	80.2	1	100	66	450	70	120	-33.1	-39.3	-11.5	-44.6	35.6	
Excavator	72.0	1	100	67	450	70	120	-33.1	-39.3	-11.0	-44.0	28.0	
Loading Shovel / Excavator	72.0	1	100	65	450	70	120	-33.1	-39.3	-12.0	-45.1	26.9	
HGV / ADT Movements	45.4	12	-	65	450	70	120	-33.1	-39.3	-12.0	-45.1	11.1	36.8
Construction of Bund 12 (Temporary Operation)													
Excavator	75.0	1	100	70	300			-29.6	-34.9	0.0	-34.9	40.1	
Excavator Loading Dump Truck	75.8	1	100	67	280			-29.0	-34.2	0.0	-34.2	41.6	
Dump Truck Movements	49.1	24	-	70	280			-29.0	-34.2	0.0	-34.2	28.7	
Dozer Working on Bund	77.0	1	100	72	280			-29.0	-34.2	0.0	-34.2	42.8	46.5
Excavation - Phase 3													
Screening Plant	80.2	1	100	66	350	70	50	-30.9	-36.6	-12.2	-43.1	37.1	
Excavator	72.0	1	100	67	350	70	50	-30.9	-36.6	-11.4	-42.3	29.7	
Loading Shovel / Excavator	72.0	1	100	65	350	70	50	-30.9	-36.6	-13.0	-43.9	28.1	
HGV / ADT Movements	45.4	12	-	65	350	70	50	-30.9	-36.6	-13.0	-43.9	12.3	38.3
Construction of Bund 12 (Temporary Operation)													
Excavator	75.0	1	100	70	150			-23.6	-27.5	0.0	-27.5	47.5	
Excavator Loading Dump Truck	75.8	1	100	67	120			-21.6	-25.0	0.0	-25.0	50.8	
Dump Truck Movements	49.1	24	-	70	120			-21.7	-25.1	0.0	-25.1	37.9	
Dozer Working on Bund	77.0	1	100	72	120			-21.7	-25.1	0.0	-25.1	51.9	55.3
Excavation - Phase 4													
Screening Plant	80.2	1	100	66	150	67	30	-23.5	-27.4	-10.9	-34.4	45.8	
Excavator	72.0	1	100	67	150	67	30	-23.5	-27.4	-9.7	-33.2	38.8	
Loading Shovel / Excavator	72.0	1	100	65	150	67	30	-23.5	-27.4	-12.0	-35.5	36.5	
HGV / ADT Movements	45.4	12	-	65	150	67	30	-23.5	-27.4	-12.0	-35.5	20.7	47.0

NOISE: - PLANNING CONSIDERATIONS

Whilst PPG 24 may have been a hybrid of policy and technical advice, it was referenced either directly or indirectly in most Local Authority Policy statements related to noise and, in many cases, formed the basis for Supplementary Planning Guidance (primarily produced and used by Environmental Health Departments to inform residents, developers and acoustic consultants on appropriate design criteria for noise sensitive and noise generating development).

With the introduction of the NPPF/NPSE opportunities exist for Local Authorities to introduce and implement smart acoustic design into local policy where the soundscape of the locality, along with an integrated approach to work and living spaces, are considered at the appropriate stage; and not just add-ons to ensure compliance with a single figure target.

National Planning Policy Framework

Noise Limits

The NPPF guidance advises that noise levels associated with site operations at surrounding properties should not normally exceed 10DB(A) above background, subject to an upper limit of 55dBL Aeq 1 hour. For temporary operations, a limit of 70dB L Aeq 1 hour is advised. These should be limited and identified in advance.

180. *Planning policies and decisions should contribute to and enhance the natural & local environment by:*

e) preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution or land instability. Development should, wherever possible, help to improve local environmental conditions such as air and water quality, taking into account relevant information such as river basin management plans.

191. *Planning policies and decisions should also ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development. In doing so they should:*

a) mitigate and reduce to a minimum potential adverse impacts resulting from noise from new development – and avoid noise giving rise to significant adverse impacts on health and the quality of life;

b) identify and protect tranquil areas which have remained relatively undisturbed by noise and are prized for their recreational and amenity value for this reason; 217. When determining planning applications, great weight should be given to the benefits of mineral extraction, including to the economy. In considering proposals for mineral extraction, minerals planning authorities should:

c) ensure that any unavoidable noise, dust and particle emissions and any blasting vibrations are controlled, mitigated or removed at source, and establish appropriate noise limits for extraction in proximity to noise sensitive properties.

Noise Policy Statement for England (NPSE)

NPSE - Noise Policy Vision *Promote good health and a good quality of life through the effective management of noise within the context of Government policy on sustainable development.*

Noise Policy Aims *Through the effective management and control of environmental, neighbour and neighbourhood noise within the context of Government policy on sustainable development:*

avoid significant adverse impacts on health and quality of life;

mitigate and minimise adverse impacts on health and quality of life; and

where possible, contribute to the improvement of health and quality of life.

Aims seek, where possible, positively to improve health and quality of life through the pro-active management of noise while also taking into account the guiding principles of sustainable development (paragraph 1.8), recognising that there will be opportunities for such measures to be taken and that they will deliver potential benefits to society. The protection of quiet places and quiet times as well as the enhancement of the acoustic environment will assist with delivering this aim.

THE **NPSE** GUIDING PRINCIPLES OF SUSTAINABLE DEVELOPMENT

Ensuring a Strong Healthy and Just Society – *Meeting the diverse needs of all people in existing and future communities, promoting personal wellbeing, social cohesion, and inclusion, and creating equal opportunity for all.*

Using Sound Science Responsibly – *Ensuring policy is developed and implemented on the basis of strong scientific evidence, whilst taking into account scientific uncertainty (through the precautionary principle) as well as public attitudes and values.*

Promoting Good Governance – *Actively promoting effective, participative systems of governance in all levels of society – engaging people’s creativity, energy and diversity.*

SKDC – DEVELOPMENT PLAN **EN4**: Pollution Control

*Development should seek to minimise pollution and where possible contribute to the protection and improvement of the quality of air, land and water. In achieving this: Development should be designed from the outset to improve air, land and water quality and promote environmental benefits. Development that, on its own or cumulatively, would result in significant air, light, noise, land, water or other environmental pollution or harm to amenity, health well-being or safety will not be permitted. New development proposals should not have an adverse impact on existing operations. Development will only be permitted if the potential adverse effects can be mitigated to an acceptable level by other environmental controls, or by measures included in the proposals. **Development that would lead to deterioration or may compromise the ability of a water body or underlying groundwater to meet good status standards in the Anglian River Basin Management Plan (required by the Water Framework Directive) will not be permitted.** Where development is situated on a site with known or high likelihood of contamination, remediation strategies to manage this contamination will be required. Subject to the Policies in this Plan, planning permission will be granted for*

development on land affected by contamination where it can be established by the proposed developer that **the site can be safely and viably developed with no significant impact on either future users or on ground and surface waters.**

LINCOLNSHIRE MINERALS & WASTE LOCAL POLICY – DM3

Page 92 - Policy DM3: Quality of Life and Amenity Planning permission will be granted for minerals and waste development provided that it does not generate unacceptable adverse impacts arising from: • noise, • dust, • vibration, • odour, • litter, • emissions, • the migration of contamination, • illumination, • visual intrusion, • run off to protected waters, • traffic, • tip- and quarry- slope stability, • differential settlement of quarry backfill, or • mining subsidence to occupants of nearby dwellings and other sensitive receptors. And in respect of waste development is well designed and contributes positively to the character and quality of the area in which it is to be located. Where unacceptable impacts are identified, which cannot be addressed through appropriate mitigation measures, planning permission will be refused.

LCC SUSTAINABILITY SCOPING REPORT

8. To minimise any impacts deriving from waste management and, or mineral extraction in regard to human health and wellbeing

3. Seek, appropriate buffers or distances between mineral extraction sites and residential areas? Promote the use of landscaping and attenuation bunds to reduce the impact of noise-creating activities?

The WDPC questions how this is now achievable with the mitigation tool of stand-off distances removed from the mineral extraction armoury ?

9) To minimise any impacts on local amenity resulting from minerals or waste activities or waste activities (eg. Noise, dust, vermin, odour). C) Promote a decrease in noise levels in sensitive locations?

Page 18 Criteria Key – Sustainability issues: Health – Human health and pollution - restoration to a recreation after use (first issue rather than 2nd)

Potential impacts on health, well-being and quality of life should be taken into account in identifying suitable sites for minerals sites and waste facilities. The potential impact of noise, dust, vibration, lighting and water pollution generated by ongoing operations needs to be considered.

Page 19 – Sustainability Table 3 (social – environmental – economic) – compatibility test

Note that 9) To minimise any impacts on local amenity resulting from minerals or waste activities (noise, dust, vermin, odour). Health specifically isn't mentioned but the above would impact health and there should be a case that this would be 'economic' - the EA FEEDBACK ON THE POLICY REVIEW SUGGESTS IS SHOULD TOO.

Appendix 1 – 18 (page 110) Noise

*A1.8.1 Introduction Noise from mineral sites can also be created from associated machinery and impact on neighbouring developments. It is good practice for **noise generating activities to be positioned away from site boundaries**. Existing buildings can also be used to shield the noise source. Unfortunately monitoring these sources of noise is problematic and cannot therefore be included in this baseline chapter.*

The WDPC draws the applicants attention to the above good practice.

Constraints - ARTIFICIAL LIGHT ASSESSMENT CONSIDERATIONS

Suggestions for Environmental Impact Assessment

Relevant Legislation, Planning Guidelines and Local Authority Key Policies

LIGHTING ASSESSMENT

A lighting assessment should be included in the Environmental Impact Assessment to take account of guidelines and legislation, referenced below relating to light pollution, light obtrusion, and environmental impact. This should include how design, implementation and governance will protect local amenity, impact, and character of the area. The assessment should demonstrate how best practice will be applied regarding planning and guidelines. Full considerations of criteria throughout the lifetime of the site. Should be included in planning design, implementation, and governance. Please also consider 'Rural Zones' under protected designations should use a higher standard of policy.

As residents living close to the existing mining operations we witness first-hand the light pollution from the quarries where bright flood lights are left on 24/7 and there is no monitoring or compliance from LCC at all. Having lived so close to the quarries for the last 70 plus years, residents know now not to believe what the applications say and the WDPC again insist that a worst case scenario approach is adopted here. We have to assume that the lights will be left on 24/7 and will ruin the darkness and tranquility of the night skies right next to our homes.

Legislative Background

Light pollution was introduced within the Clean Neighbourhoods and Environment Act (2005) as a form of statutory nuisance under the Environmental Protection Act (the 'EPA', 1990), which was amended in 2006 to include the following *nuisance definition*: "(fb) artificial light emitted from premises so as to be prejudicial to health or nuisance." There is also requirement to consider impact on the natural environment and landscape. Guidance produced by Defra, Statutory Nuisance from Insects & Artificial Light (2006) on S101 to S103 of the Clean Neighbourhoods and Environment Act (2005) has also been referred to which places a duty on local authorities to ensure that their areas are checked periodically for existing and potential sources of statutory nuisances - including nuisances arising from artificial lighting. Local authorities must take reasonable steps to investigate complaints of such nuisances from artificial light. Once satisfied that a statutory nuisance exists or may occur or recur, local authorities must issue an abatement notice (in accordance with S80(2) of the EPA 1990), requiring that the nuisance cease or be abated within a set timescale.

Considering the legislation, guidelines at local, national, and international level (more referenced on following pages. this area justifies inclusion in the Environmental Impact Assessment, requiring a full and detailed survey is conducted to include mitigations at the very minimum identifying:

1. Existing Baseline Assessment (giving context to the existing mineral site security lights, already casting light pollution on the community).
2. Full breakdown of lighting equipment, location and spread during the various cycles of site life (e.g. Construction, phases of extraction, extraction and other ancillary mineral extraction operations and supporting facilities). Clearly report for the different phases.
3. Times of day in operation
4. Frequency and duration of different lighting equipment

5. Design specification - Intensity, with clear information on directional spread - back light, spill light, glare, sky glow,
6. Location of specific lighting in relation to sensitive receptors
7. Lighting mitigations across criteria of impact - guideline/legislative considerations.
8. An agreed end date to site operations including restoration.

The above relating to: Construction phase, each operational phase including restoration. Outlining impact on biological cycles of fauna and flora and human residents.

Good lighting practice is the provision of the right light, at the right time, in the right place, controlled by the right system.

The invention of artificial light and its application in the external environment has done much to safeguard and enhance our night-time environment but, if not properly controlled, obtrusive light (sometimes referred to as light pollution) can present serious physiological and ecological problems.

Obtrusive light, whether it keeps you awake through a bedroom window, impedes your view of the night sky or adversely affects the performance of an adjacent lighting installation, is a form of pollution. It may also be a nuisance in law and can be substantially mitigated without detriment to the requirements of the task.

Ref: Sky glow, the brightening of the night sky, Glare the uncomfortable brightness of a light source when viewed against a darker background, Light spill the spilling of light beyond the boundary of the area being lit and Light intrusion ('Nuisance')² are all forms of obtrusive light which may cause nuisance to others, or adversely affect fauna & flora as well as waste money and energy.

LIGHTING – PLANNING CONSIDERATIONS

INTERNATIONAL GUIDANCE

Commission Internationale De L'Eclairage (CIE) 150: Guide on the Limitation of the Effects of Obtrusive Light from Outdoor Lighting Installations (the 'CIE 150', 2017) The purpose of CIE 150 is to aid in formulating guidelines for assessing the environmental effects of exterior lighting and to provide limits for relevant lighting parameters to control the obtrusive effects of exterior lighting to tolerable levels. CIE 150 also refers to the potentially adverse effects of exterior lighting on both natural and man-made environments.

Guidelines for Minimising Sky Glow CIE 126 (1997) -

The reduction of sky glow needs to be considered. Guidelines concerning recommendations limiting values of light pollution/obtrusion. Lighting designers should strive to meet the lowest impact on local communities, environment and landscape.

NATIONAL PLANNING POLICY FRAMEWORK

191. Planning policies and decisions should also ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development. In doing so they should:

b) identify and protect tranquil areas which have remained relatively undisturbed by noise and are prized for their recreational and amenity value for this reason

NATIONAL GUIDANCE – BEST PRACTICE – INSTITUTE OF LIGHTING PROFESSIONAL

The ILP (2021) Guidance Notes for the Reduction of Obtrusive Light ([the 'ILP Guidance Notes'](#)) The ILP has proposed lighting guidance and criteria for local authorities with a recommendation that these are incorporated at the local plan level. The ILP Guidance Notes define various forms of light pollution and describe a series of environmental zones. The ILP Guidance Notes provide suitable criteria against which the effects of artificial lighting can be assessed.

SKDC – DEVELOPMENT PLAN EN4: Pollution Control

*Development should seek to minimise pollution and where possible contribute to the protection and improvement of the quality of air, land and water. In achieving this: Development should be designed from the outset to improve air, land and water quality and promote environmental benefits. Development that, on its own or cumulatively, would result in significant air, **light**, noise, land, water or other environmental pollution or harm to amenity, health well-being or safety will not be permitted. New development proposals should not have an adverse impact on existing operations. Development will only be permitted if the potential adverse effects can be mitigated to an acceptable level by other environmental controls, or by measures included in the proposals. Development that would lead to deterioration or may compromise the ability of a water body or underlying groundwater to meet good status standards in the Anglian River Basin Management Plan (required by the Water Framework Directive) will not be permitted. Where development is situated on a site with known or high likelihood of contamination, remediation strategies to manage this contamination will be required. Subject to the Policies in this Plan, planning permission will be granted for development on land affected by contamination where it can be established by the proposed developer that the site can be safely and viably developed with no significant impact on either future users or on ground and surface waters. (pollution here also relates to obtrusive light)*

DEFRA – ARTIFICIAL LIGHT IN THE ENVIRONMENT POLICY - UPDATE 2013

The Government recognises that artificial light is an important issue in the context of planning and sustainable development. Lighting schemes can be costly and difficult to change if they are found to cause a problem, so getting the design right and setting appropriate conditions at the planning stage is crucial. Artificial light provides vital benefits to society but not all modern lighting is suitable in all locations, which is why careful and sustainable planning is essential.

Constraints - AIR QUALITY ASSESSMENT CONSIDERATIONS

Introduction

Air Quality Assessment - Context

Suggestions for Environmental Impact Assessment

Relevant Legislation, Planning Guidelines and Local Authority Key Policies

Sand and Gravel quarrying operations are associated with the substantial generation of dust and particulate matter, containing hazardous substances such as silica—an established carcinogen commonly found in sand and gravel. Silica is present in high proportions compared to other dust particulate matters. Inhaling silica dust and other small airborne particles, including PM10s, can result in respiratory issues, particularly for individuals with pre-existing conditions like asthma or chronic obstructive pulmonary disease (COPD). The young and elderly are also particularly vulnerable in terms of health deterioration linked with silica dust. Mineral Operations are synonymous with significant HGV local activity, also contributing to air pollution not least through carbon emissions as well as dust generation.

The scientific consensus underscores the significant health risks posed by fine particulate matter, eg PM10s and particles under five microns in size (see new targets re PM2.5s – Environment Act 2021). These fine particles cause serious respiratory disease. They can easily infiltrate homes and property grounds, posing threats to the health of the local population. To address these concerns, new legislation has updated targets for local authorities to meet in relation to Air Quality. This includes County Council level legal obligations ([see DEFRA Air Quality Strategy 2023 Framework for Local authority delivery](#)) and consideration given to planning and impact on Air quality.

This is all very relevant with regard to impacts of sand and gravel mining operations, widely recognised for generating dust containing high levels of hazardous silica dust. As a community, subjected to local quarrying for more than 70 years it is quite shocking that dust monitoring to date is minimal, with lack of governance.

Monitoring equipment is, to say the least, primitive and certainly not adequate to monitor fine particle matter of either PM10s or PM2.5s that pose proven threats to health.

Why is it that higher more reliable standards of monitoring is not required? A potential dereliction of duty on the part of local authorities in terms of their governance and duty to protect the health of their communities. (see [Environment Agency's MCERTS Scheme](#) approved by DEFRA for use in the UK).

Given the scale of profits achieved by mineral operators (Breedon net profit 2022 approx. £120 million, net cash flow exceeding £100M), surely the cost involved would be of little consequence weighed against the protection of health and the environment. It is justified and should be mandated by local authorities. Is it just that the results would restrict operations and highlight the detrimental impact on Air Quality? Not much to ask given the proposed site could be within 200M of local homes.



Air Quality Monitors

← PM10 particulate Certified vs Bredon Model →



HSE COSHH handout for Managers - Essentials for Quarries: Silica (employees).

states the following:-

The Control of Substances Hazardous to Health Regulations 2002 (COSHH) require employers to ensure that exposure is prevented or, where this is not reasonably practicable, adequately controlled. This guidance gives practical advice on how this can be achieved by applying the principles of good practice for the control of exposure to substances hazardous to health, as required by COSHH.

Crystalline silica concentrations in common materials

silica flour, cristobalite flour	100%
sandstone, gritstone, quartzite	more than 70%
sand, gravel, flint	more than 70%
calcined diatomite	25% to 65%
shale	40% to 60%
marl	up to 60%
china stone	up to 50%
slate	up to 40%
granite	up to 30%
industrial grade talc	up to 30% (some are silica-free)
ball clay	15% to 30%
pumice	up to 25%
ironstone	up to 15%
basalt, dolerite	up to 5%
kaolinite	less than 5%
limestone, chalk, marble	up to 2% (but these can contain silica layers)

Introduction

HSE have produced these advice sheets to help employers assess and control risks from hazardous substances in the workplace.

For some common tasks the sheets take into account the health hazards (and exposure potential) of substances used or produced to identify an approach appropriate to control the risks.

What is silica, where is it found?

Many minerals contain silica, and produce silica dust known as respirable crystalline silica (RCS). RCS is also known as respirable α -quartz, cristobalite, or 'free silica', and can be wrongly labelled as 'amorphous silica'.

Protection for Residents and Other Sensitive Receptors – Air Quality

The assessment should thoroughly evaluate the concentrations of airborne dust particles, including PM10s and ideally PM2.5s, which can impact human health and the natural environment. It is also crucial to determine if PM10 concentrations exceed the Air Quality Strategy objective both before and during operations, helping to establish baseline measurements and subsequent comparison data.

The Preliminary Environmental Assessment Documents submitted for EIA/15/23 lack coherence, consistency, and transparency. This raises concerns about the mineral operator's commitment to meeting best practice standards regarding accountability, provision of qualitative information for planning assessment, and facilitating informed decisions. Governance entities (Mineral Planning Authorities) must ensure accurate and comprehensive information is provided to consultees, including full contextual detail for all relevant environmental considerations, to enable a thorough and robust EIA evaluation and the implementation of appropriate measures.

The absence of detailed information on carbon emissions, cumulative impact, and sustainability is notable, especially in meeting legislative targets, including Air Quality Assessment achievement. Ambiguity regarding site design, operational methods, ancillary operations, and phased details is concerning. The omission of SG11 information is particularly striking, as it is crucial for understanding cumulative effect considerations. Collective guidelines and legislation play a vital role in safeguarding communities and the environment, as well as fostering a healthy, vibrant economy and living space. Local Authorities have a duty to ensure that information submitted by mineral operators meets guidelines and respects legislative requirements.

Breedon's Dust Monitoring Paper (Appendix D) mentions an 'extension' and provisions for sites north of the A1175, demonstrating inconsistency and inaccurate detail. Other PEA documents refer to a 'stand-alone' mineral site, with varying distances quoted from receptors and unclear transportation methods.

This substandard submission reflects a disregard for the planning process and best practice. Breedon's failure to provide a comprehensive, fresh, and robust reports for their EIA/15/23 Scoping Request is unacceptable, given their industry expertise and scale of operation. This presents challenges for consultees in evaluating and making recommendations on the EIA without detailed site information.

The simplicity and inaccuracy of the Breedon submitted appendix D content necessitate intervention to ensure adequate protection for sensitive receptors. A comprehensive Air Quality Assessment is essential, considering the site's scale, longevity, and potential detrimental impact. The EIA assessment should also consider cumulative impacts, given the scale of the site, over 70 years of quarrying in the Parish, the anticipated SG11 site application, traffic emissions, and local agricultural dust emissions. Clear ongoing monitoring guidelines are essential.

Transparency and clear predicted assessment to include: (further detail next page).

Dust Impact Risk for each of the main operational activities, zoned by phased stages:

- a) Site preparation and restoration
- b) Mineral extraction
- c) Materials Handling
- d) On-site transportation
- e) Mineral Processing
- f) Stockpiles and other exposed surfaces (including height information)
- g) Off-site transportation.

While a minimum 10-year working period has been suggested, past patterns of extensions, expansions, and variations suggest that this timeframe is likely to be potentially extended significantly to over 40 years. Both the mineral operator and the LCC Planning Authority are aware of this, given their extensive experience with quarrying activities across the county. They have also been jointly involved in the early scoping of SG11, a future neighbouring site spanning 163 acres.

In terms of transparency of Air Quality Assessment, it is recommended the site is divided into distinct zones. Each zone should be thoroughly evaluated in relation to phases. Mitigation measures should be developed for each zone to address predicted impacts. Residual source emissions must be calculated and summarised. Frequency of winds in each direction should be assessed, not just prevailing winds as this will leave sensitive receptors exposed for significant periods, particularly given the scale, duration, and frequency of strong winds in the area. This is in some part due to the flat landscape and geographical location.

DEFRA - Air Quality Strategy Framework for local authority delivery 2023

Local government has an essential role to play in delivering cleaner air for communities and nature right across England. They have many of the powers and local insight to tackle issues that cause pollution locally. Local authorities (the lower tier in two-tier areas, and unitary authorities) already have a duty to address air quality exceedances in their area. This includes declaring Air Quality Management Areas and publishing Air Quality Action Plans setting out the measures they will take to come back into compliance. We also expect local authorities to take preventative action, through a local Air Quality Strategy, rather than waiting for a legal limit to be breached. (1.2 county councils are expected to contribute to district council air quality plans and strategies. In particular, we expect this strategy to be relevant where local authorities are preparing Air Quality Action Plans to address local exceedances).

AIR QUALITY ASSESSMENT:

The proposed development and surrounding area should be described, including:

1. Extent of site including site boundary; Planned site operations, including future intended workings;
2. Scale and duration of operations, including phasing;
3. Type and location of processing activities, including secondary processing (e.g. concrete batching);
4. Mineral type and characteristics (size, moisture content, friability, colour, and opacity);
5. Production rate and Method/s of working. Method/s of materials handling.
6. Location/s of storage areas and stockpiles;
7. Location/s and number of access routes and haul roads.
8. The assessment should also consider the principal existing dust sources (other than the application site) such as dust from existing mineral operations, agricultural activities and construction activities. The following information is likely to be required to understand the site characteristics and the baseline conditions:
9. The main existing sources of dust in the area. This should include any available monitoring data;
10. Background PM10 concentrations provided by Defra, if available any existing relevant local monitoring data.
11. The location and nature of dust sensitive receptors, shown on a map and/or in a table detailing the direction, and distance from the site boundary or relevant site activity.
12. The location of likely sources of dust emission from within the site; during each phase
13. Any natural or existing mitigating features such as topography and areas of vegetative screening; and
14. Local wind roses showing the frequency of directions and speed, and possibly rainfall and ground moisture conditions.

There is essential need to provide a full and detailed Air Quality Assessment, content to include the following. (guidelines as per [IAQM 2016](#)).

- a) A description of the location of receptors and their relative sensitivities to PM10 concentration and dust deposition.
- b) Details of potential dust sources associated with the proposed development, including the activities and materials involved (including a brief outline of quantities, duration, methods of handling and storage, etc.) and the resulting potential for releasing dust, covering fugitive sources, diffuse sources and point sources as applicable.
- c) Giving detail to processes and operations generating consistent dust over protracted periods and close to perimeter boundary.
- d) A description of the control/mitigation measures incorporated into the scheme (including design features, management controls (e.g. Dust Management Plan) and, where appropriate, engineering controls);
- e) A prediction, using appropriate assessment tools, of the likely PM10 and dust deposition impacts and resulting effects (on health, amenity, and/or ecology) at relevant sensitive receptors, and considering the following:
 - i. The likely magnitude of dust emissions (after control by measures incorporated into the scheme);
 - ii. the likely meteorological characteristics at the site.
 - iii. the dispersion and dilution afforded by the pathway to the receptors, taking into account distance, orientation, local terrain and features, and other relevant factors.
 - iv. the sensitivity of the receptors to disamenity, health and/or ecology effects;
 - v. and any likely cumulative interactions.
- f) The residual PM10 and dust deposition impacts and their disamenity, health and/or ecology effects.
- g) A conclusion on the significance of the overall residual air quality effect, i.e. whether “significant” or “not significant”;
- h) Where the effects are assessed as significant, appropriate further mitigation (including modification of site design) and control measures that could allow the proposal to proceed without causing significant adverse effects; and

- i) Proposals, where appropriate, for proportionate dust monitoring and reporting to check the ongoing effectiveness of dust controls and mitigation, check compliance with appropriate environmental standards and to enable an effective response to complaints.
- j) **Given NPPF and planning guidelines regarding cumulative effect (including historical developments), a cumulative impact assessment needs to be included**

Determining Residual Source Emissions:

Examples are given below of the residual source emissions magnitude for several activities, illustrating the factors that may be considered when making a professional judgement. Examples are based on the experience of the Working Group from data provided by the minerals sector but are not prescriptive.

When undertaking the assessment, the designed-in mitigation measures, such as the location of particular activities on the site and the landscaping at the site boundary, need to be taken into account.

A: Site Preparation/Restoration

LARGE	SMALL
Large working area	Small working area
High bunds	Low bunds
High volume of material movement	Low volume of material movement
High no. heavy plant.....	Low no. heavy plant
Minimal seeding/sealing of bund surface	Bunds seeded/sealed immediately
Material of high dust potential	Material of low dust potential

(A) An example of a large potential dust magnitude from site preparation/restoration may include factors such as a working area >10ha, bunds >8 m in height, >100,000 m3 material movement, >10 heavy plant simultaneously active, bunds un-seeded, fine grained and friable material. Conversely, a small potential dust magnitude may include a site with working area <2.5ha, bunds <4m in height, <20,000 m3 material movement, <5 heavy plant simultaneously active, all bunds seeded, material with high moisture content.

B: Mineral Extraction

LARGE	SMALL
Large working area	Small working area
High energy extraction methods.....	Low energy extraction methods
Material of high dust potential	Material of low dust
Potential high extraction rate	Low extraction rate

(B) An example of a large potential dust magnitude from mineral extraction may include a working area >100 ha, drilling and blasting frequently used, dusty mineral of small particle size and/or low moisture content, 1,000,000 tpa extraction rate. A small potential magnitude may include working area <20 ha, hydraulic excavator, coarse material and/or high moisture content, <200,000 tpa extraction rate

C: Materials Handling

LARGE	SMALL
High no. heavy plant.....	Low no. heavy plant
Unconsolidated/bare surface.....	Hard standing surface
Activities close to site boundary.....	Activities within quarry void
Material of high dust potential.....	Material of low dust potential

An example of a large potential dust magnitude from materials handling may include factors such as >10 loading plant within 50 m of a site boundary, transferring material of a high dust potential and/or low moisture content on dry, poorly surfaced ground. Conversely, a small potential dust magnitude may include <5 plant, more than 100 m of a site boundary, within the quarry void or clean hardstanding, transferring material of low dust potential and/or high moisture content.

D: On-Site Transportation

LARGE	SMALL
Use of unconsolidated haul roads.....	Use of conveyors
Unpaved haul roads.....	Paved haul roads
Road surface of high dust potential.....	Road surface of low dust potential
High no. HDV movements.....	Low no. HDV movements
High total length of haul roads.....	Low total length of haul roads
Uncontrolled vehicle speed.....	Controlled (low) vehicle speed

(D) An example of a large potential dust magnitude from on-site transportation could include >250 movements in any one day on unpaved surfaces of potentially dusty material. A small potential magnitude may include the employment of covered conveyors used for the majority of the on-site transportation of material, <100 movements of vehicles per day, with surface materials of compacted aggregate, <500 m in length and a maximum speed of 15 mph.

E: Mineral Processing

LARGE	SMALL
Raw material of high dust potential.....	Raw material of low dust potential
End product of high dust potential.....	End product of low dust potential
Complex or combination of processes.....	Single process
High volume material processed.....	Low volume material processed

(E) An example of a large potential dust magnitude from mineral processing may include factors such as a mobile crusher and screener with concrete batching plant on-site, processing >1,000,000 tpa of material with a high dust potential and/or low moisture content e.g. hard rock. Conversely, a small potential dust magnitude may include a site with a fixed screening plant with effective design in dust control, processing <200,000 tpa of material with low dust potential and/or high moisture content e.g. wet sand and gravel.

F: Stockpiles/Exposed Surfaces

LARGE	SMALL
Long term stockpile.....	Short term stockpile
Frequent material transfers.....	Infrequent material transfers
Material of high dust potential.....	Material of low dust potential
Ground surface unconsolidated/un-kept.....	Ground surface hardstanding/clean
Stockpiles close to site boundary.....	Stockpiles well within quarry void
Large areas of exposed surfaces.....	Small areas of exposed surfaces
High wind speeds/low dust threshold.....	Low wind speeds/high dust threshold

An example of a large potential dust magnitude from stockpiles and exposed surfaces could include a stockpile with a total exposed area >10 ha in an area exposed to high wind speeds located <50 m of the site boundary. Daily transfer of material with a high dust potential and/or low moisture content. Stockpile duration >12 months and quarry production >1,000,000 tpa. A small potential magnitude may include stockpile duration of <1 month with a total area <2.5 ha in an area of low wind speeds, located >100 m from the site boundary. Weekly transfers of material with a low dust potential and/or high moisture content. Quarry production <200,000 tpa.

G: Off-Site Transportation

LARGE	SMALL
High No. HDV Movements.....	Low No. HDV Movements
Unconsolidated Access Road.....	Paved Access Road
Limited/No Vehicle Cleaning Facilities.....	Extensive Vehicle Cleaning Facilities
Small Length of Access Road.....	Large Length of Access Road

An example of a large potential dust magnitude from off-site transportation could include total HDV >200 movements in any one day on unsurfaced site access road <20 m in length with no HDV cleaning facilities. No road sweeper available. A small potential magnitude may include <25 HDV movements per day, paved surfaced site access road >50 m in length, with effective HDV cleaning facilities and procedures, the employment of an effective road sweeper.

AIR QUALITY – PLANNING CONSIDERATIONS

The Air Quality Standards Regulations 2010 require that concentrations of PM in the UK must not exceed:

An annual average of 40 µg/m³ for PM10;

A 24-hour average of 50 µg/m³ more than 35 times in a single year for PM10;

An annual average of 20 µg/m³ for PM2.5.

The Environmental Targets (Fine Particulate Matter) (England) Regulations 2023 require that in England by the end of 2040:

An annual average of 10 µg/m³ for PM2.5 is not exceeded at any monitoring station.

Population exposure to PM2.5 is at least 35% less than in 2018.

Population exposure refers to the average concentration someone in England is exposed to and is based on urban or in some case suburban background measurements which are representative of the type of environment most people live and work.

The Environmental Improvement Plan 2023 for England set interim targets that by January 2028:

An annual average of 12 µg/m³ for PM2.5 is not exceeded at any monitoring station.

Population exposure to PM2.5 is at least 22% less than in 2018.

DEFRA - Air Quality Strategy Framework for local authority delivery 2023

Intro: Local government has an essential role to play in delivering cleaner air for communities and nature right across England. They have many of the powers and local insight to tackle issues that cause pollution locally. Local authorities (the lower tier in two-tier areas, and unitary authorities) already have a duty to address air quality exceedances in their area. This includes declaring Air Quality Management Areas and publishing Air Quality Action Plans setting out the measures they will take to come back into compliance. We also expect local authorities to take preventative action, through a local Air Quality Strategy, rather than waiting for a legal limit to be breached. (1.2 county councils are expected to contribute to district council air quality plans and strategies. In particular, we expect this strategy to be relevant where local authorities are preparing Air Quality Action Plans to address local exceedances).

1.5 Air pollutants of particular concern We expect most action will be directed towards the 3 pollutants which have the majority of impact - fine particulate matter, nitrogen oxides and ammonia.

Fine particulate matter – PM2.5

Particulate matter is everything in the air that is not a gas. The size of airborne particles governs their behaviour. The legislation encompasses both PM10 (particles under 10 micrometres comprising both fine and coarse particulate matter) and PM2.5 (particles under 2.5 micrometres or fine particulate matter). This strategy focuses on PM2.5 recognising this has widespread impact.

1.3.1. National Air Quality Regulations – Targets

Under the Environment Act 2021, we have also set 2 new legally-binding long-term targets to reduce concentrations of fine particulate matter, PM2.5. The two new targets are an annual mean concentration of 10 micrograms per metres cubed ($\mu\text{g}/\text{m}^3$) or below and a reduction in average population exposure by 35% by 2040, compared to a 2018 baseline. These targets will help drive reductions in the worst PM2.5 hotspots across the country, whilst ensuring nationwide action to improve air quality for everyone.

3.2 Local action to reduce PM2.5 As well as meeting local objectives, local authorities play a role in contributing to national targets. The government recognises that as a regional pollutant, many of the sources of PM2.5 are outside of local authority control. However, there are sources of PM2.5 over which local authorities do have control. Therefore, while PM2.5 is not currently part of the Local Air Quality Management framework, the government still expects all local authorities to effectively use their powers to reduce PM2.5 emissions from the sources which are within their control.

We have set 2 new legally binding PM2.5 targets, each with an interim target: • 10 $\mu\text{g}/\text{m}^3$ annual mean concentration PM2.5 nationwide by 2040, **with an interim target of 12 $\mu\text{g}/\text{m}^3$ by January 2028** • 35% reduction in average population exposure by 2040, with **an interim target of a 22% reduction by January 2028**, both compared to a 2018 baseline. Our annual mean concentration target will drive action in the worst-polluted areas. Our population exposure reduction target requires concentrations be driven down everywhere, including where they are already below 10 $\mu\text{g}/\text{m}^3$. **As a regional pollutant, PM2.5 also travels long distances and increases background levels across a wide area.** It is therefore important that all local authorities across England act and can collaborate accordingly.

We have been clear in guidance to local authorities since 2016 that we expect local authorities to use their powers to reduce PM2.5. We still have not seen sufficient action from the majority of local authorities. In light of the new targets, if we consider further action to be insufficient, we will consult on introducing a standalone legal duty on local authorities to take action to reduce PM2.5 emissions.

National Planning Policy Framework

2 Achieving sustainable Development

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b) a social objective – to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering well-designed, beautiful and safe places, with accessible services and open spaces that reflect current and future needs and support communities' health, social and cultural well-being; and

c) an environmental objective – to protect and enhance our natural, built and historic environment; including making effective use of land, improving biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy.

17 Facilitating the sustainable use of minerals

216 -Planning Policies should:

f) set out criteria or requirements to ensure that permitted and proposed operations do not have unacceptable adverse impacts on the natural and historic environment or human health, taking into account the cumulative effects of multiple impacts from individual sites and/or a number of sites in a locality; h) ensure that worked land is reclaimed at the earliest opportunity, taking account of aviation safety, and that high quality restoration and aftercare of mineral sites takes place

17 Facilitating the sustainable use of minerals

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When determining planning applications, great weight should be given to the benefits of mineral extraction, including to the economy⁷⁵. In considering proposals for mineral extraction, minerals planning authorities should:

b) ensure that there are no unacceptable adverse impacts on the natural and historic environment, human health or aviation safety, and take into account the cumulative effect of multiple impacts from individual sites and/or from a number of sites in a locality; c) ensure that any unavoidable noise, dust and particle emissions and any blasting vibrations are controlled, mitigated or removed at source, and establish appropriate noise limits for extraction in proximity to noise sensitive properties;

c) ensure that any unavoidable noise, dust and particle emissions and any blasting vibrations are controlled, mitigated or removed at source⁷⁶, and establish appropriate noise limits for extraction in proximity to noise sensitive properties;

LINCOLNSHIRE MINERAL AND WASTE LOCAL PLAN (LMWLP)

Page 92 - **Policy DM3: Quality of Life and Amenity** Planning permission will be granted for minerals and waste development provided that it does not generate unacceptable adverse impacts arising from: • noise, • dust, • vibration, • odour, • litter, • emissions, • the migration of contamination, • illumination, • visual intrusion, • run off to protected waters, • traffic, • tip- and quarry- slope stability, • differential settlement of quarry backfill, or • mining subsidence to occupants of nearby dwellings and other sensitive receptors. And in respect of waste development is well designed and contributes positively to the character and quality of the area in which it is to be located. Where unacceptable impacts are identified, which cannot be addressed through appropriate mitigation measures, planning permission will be refused.

Page 110 Policy DM17: Cumulative Impacts Planning permission will be granted for minerals and waste developments where the cumulative impact would not result in significant adverse impacts on the environment of an area or on the amenity of a local community, either in relation to the collective effect of different impacts of an individual proposal, or in relation to the effects of a number of developments occurring either concurrently or successively.

6 Carbon neutral where possible

8 To minimise any impacts deriving from waste management and, or mineral extraction in regard to *human health and wellbeing*

1. *Avoid or minimise adverse impacts on human health and safety to acceptable levels?*
2. *Seek to site waste facilities away from residential properties (distances by facility type as appropriate)?*
3. *Seek, appropriate buffers or distances between mineral extraction sites and residential areas? Promote the use of landscaping and attenuation bunds to reduce the impact of noise-creating activities?*
4. *Minimise traffic volumes?*
5. *Reduce the impact of road traffic, in particular HGV trips, on local communities?*
6. *Ensure the provision of any related mitigation measures? Maximise the benefits of appropriate restoration and after-use of sites for the community?*
7. *Ensure that any public rights of way or bridleways are either protected, or diversion is justified?*
8. *Ensure suitable mechanisms to ensure operations do not conflict with a military or civil airfield safeguarding area (regarding bird strike hazards)?*

Human health and safety -complaints to environmental health regarding minerals or waste management activities. Play and open space quality, quantity and accessibility, Percentage of residents who are happy with their neighbourhood as a place to live Diversion of public rights of way Diversion of bridleways

9) To minimise any impacts on local amenity resulting from minerals or waste activities or waste activities (eg. Noise, dust, vermin, odour).

- a. *Ensure that a statutory nuisance is not caused under the environmental protection act 1990 in terms of dust? Act now superseded with new targets on dust particles.*
- b. *Ensure that a Statutory nuisance is not caused under the Environmental protection Act 1990 by reference to BS4142 "Method for Rating industrial noise affecting mixed residential and industrial sources"?*
- c. *Promote a decrease in noise levels in sensitive locations? Ensure odour level compliance?*
- d. *Ensure the provision of any related mitigation measures? Affect fly tipping in the County?*

Number of human receptors -light pollution maps

Page 18 Criteria – KEY Sustainability issues - Health – Human health and pollution - restoration to a recreation after use (first issue rather than 2nd)

Potential impacts on health, well-being and quality of life should be taken into account in identifying suitable sites for minerals sites and waste facilities. The potential impact of noise, dust, vibration, lighting and water pollution generated by ongoing operations needs to be considered.

Page 19 – Sustainability Table 3 (social – environmental – economic) – compatibility test

Note that 9) To minimise any impacts on local amenity resulting from minerals or waste activities (noise, dust, vermin, odour). Health specifically isn't mentioned but the above would impact health and there should be a case that this would be 'economic' the EA FEEDBACK SUGGESTS IS SHOULD TOO.

A1.7 Air Quality (page 108) A1.7.1 Introduction The transportation of minerals to various sites throughout the County is an important issue with regard to associated air quality through vehicle emissions. In addition to transport related air quality Page 109 aggregate recycling dust from surface mineral operations can have a noticeable environmental impact and affect the quality of life of local communities

IAQM Guidance on the Assessment of Mineral Dust Impacts for Planning – 2016

If there are relevant human and/or ecological receptors within 250 m or 400 m (depending on the rock type) then a disamenity dust impact assessment will almost always be required. This step is deliberately chosen to be conservative (and will in practice result in assessments being required for most minerals development schemes).

1.3 The Need for this Guidance The national Planning Practice Guidance (NPPG) for England⁷ states that: “Where dust emissions are likely to arise, mineral operators are expected to prepare a dust assessment study, which

Table 1: Summary of Limit Values and Objectives for Suspended Particulate Matter

PM fraction	Averaging period	Objectives/ Limit Value	Max allowable exceedences	Target Date
PM ₁₀	24 hours	50 µg/m ³	35 times per calendar year	-
	Annual	40 µg/m ³		-
PM _{2.5}	Annual	Target of 15% reduction in concentrations at urban background locations		Between 2010 and 2020
		Variable target of up to 20% reduction in concentrations at urban background locations		Between 2010 and 2020
	Annual	25 µg/m ³		01.01.2020
		25 µg/m ³		01.01.2015

should be undertaken by a competent person/ organisation with acknowledged experience of undertaking this type of work”The Air Quality Standards Regulations 2010 implement values prescribed by EU directive

2008/50/EC, legally binding and the Secretary of State, on behalf of the UK Government is responsible for their compliance.

2.3 Planning Guidance on Minerals Dust Assessments On air quality in general, the nPPG advises that “Assessments should be proportionate to the nature and scale of development proposed and the level of concern about air quality, and because of this are likely to be locationally specific.” It goes on to advise that supporting information provided for planning applications should:

- “Assess the existing air quality in the study area (existing baseline);
- Predict the future air quality without the development in place (future baseline); and
- Predict the future air quality with the development in place (with mitigation).

” On dust assessment studies specifically, the Minerals section of the nPPG states that: “There are five key stages to a dust assessment study:

- establish baseline conditions of the existing dust climate around the site of the proposed operations.
- identify site activities that could lead to dust emission without mitigation.
- identify site parameters which may increase potential impacts from dust.
- recommend mitigation measures, including modification of site design; and
- make proposals to monitor and report dust emissions to ensure compliance with appropriate environmental standards and to enable an effective response to complaints.”

Also include location of residential properties and other dust sensitive receptors, Likely sources of dust emissions and levels, How topography may effect emission dispersal such as areas of woodland, low level landscape, local wind patterns (not just prevailing), explain how climate is likely to impact patterns of dispersal.

The assessment should additionally consider the concentrations of dust particles suspended in the air (PM₁₀) that can potentially have effects on human health, by considering the likelihood of PM₁₀ exceeding the Air Quality Strategy objective.

Additional measures to control fine particulates (PM₁₀) to address any impacts of dust might be necessary if, within a site, the actual source of emission (e.g. the haul roads, crushers, stockpiles etc.) is in close proximity to any residential property or other sensitive use. Operators should follow the assessment framework for considering the impacts of PM₁₀ from a proposed site.

Constraints - The Public Right of Way

The Mill stream of the River Welland runs along the southern boundary of the proposed site and alongside the river runs a beautiful and “well-used footpath connecting the communities of West Deeping and Market Deeping”.⁸

Qu. 11 in LCC’s site assessment form is “Would it (*the site*) be likely to affect the setting of a public right of way?”

The answer is quite clearly yes and quite considerably.

“The MPA agrees that the ES should explain what consideration has been given to mitigating the effect of the development on the experience of footpath users and full details of the measures take to protect this route, including any proposed screening, stand-offs etc should be detailed within the application details⁹”

Yet from the scoping report presented, it would appear that the applicants are failing to recognize either the importance of the footpath to the amenity of residents .

Whilst appearing to pay due regard to their requirements in the scoping report – Breedon’s appendixes suggest the reality will be otherwise -

4.9 Recreation and Public Rights of Way

4.9.1 There is a Public Footpath (WDee/1/1) which runs through the site from the north east corner, following the eastern and southern boundary from east to west before leaving the site in the south west corner. This path is planned to remain in situ during the operational period of the quarry and shall be included within the restoration.

4.9.2 The potential amenity effects on rights of way users (e.g. potential visual, noise and dust effects) will be addressed within the Environmental Statement and also, where relevant, considered within other technical assessments referred to above.¹⁰

Yet the plans presented show ‘safety fencing and grassed mounds’ which a distinct and highly detrimental change in the setting and character of the footpath and river. Residents do not want to walk along past an industrial site with **safety fencing! Even if it is screened with 2-3m high bunds with a 5m high mound of topsoil storage which will be visible from all the houses in the village.**

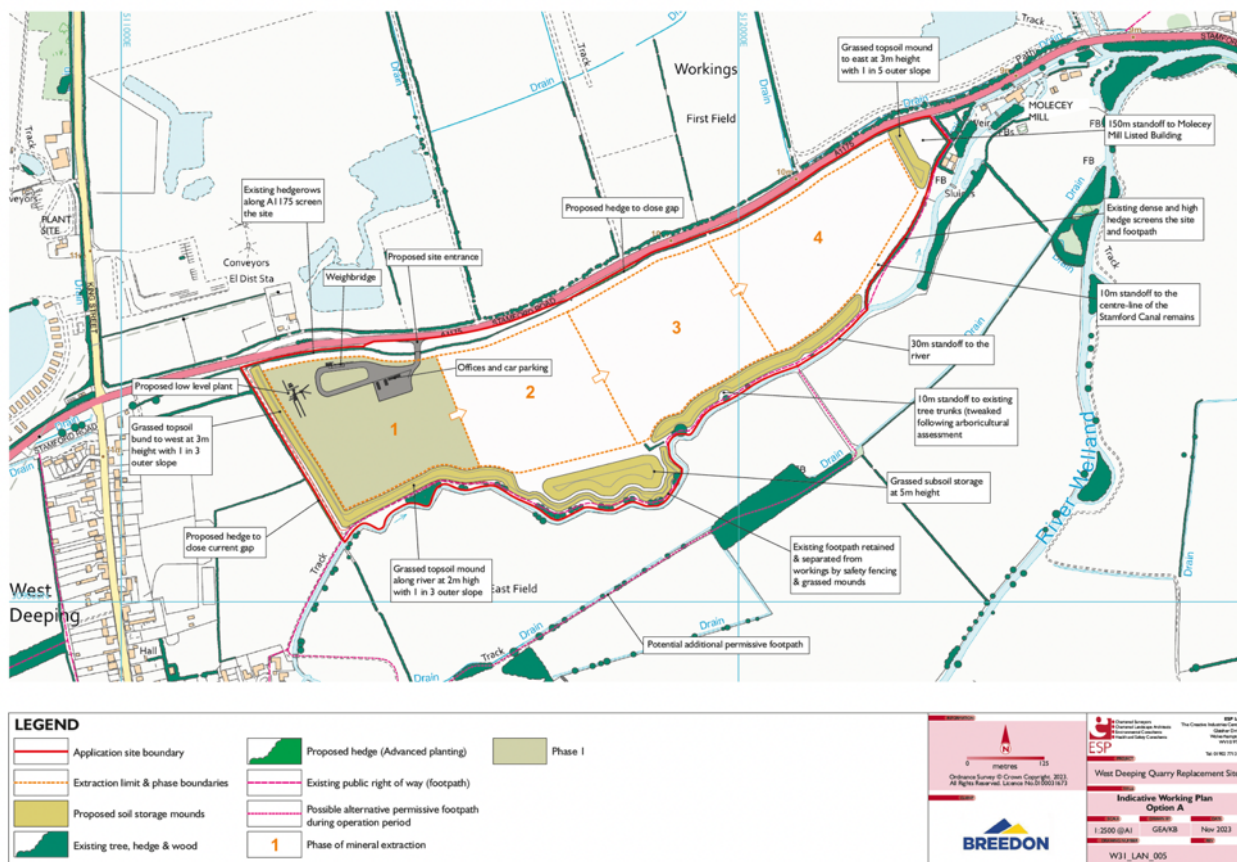
The views of the historic mill and the views of the church and town of West Deeping will all be severely affected.

⁸ Consultation response – Andy Savage, Senior Countryside Officer LCC – Appedix F

⁹ Scoping Report Summary EIA/28/22

¹⁰ Breedon Scoping Report December 2023 EIA/15/23

When you further take into account that the plan is to mine all of the 127-hectare site and everything south of the Mill Stream and the footpath, these adverse effects will not just be for 7 or 8 years but for 30-40 years with the initial part of the footpath blighted by the industrial processing plant for over 30 years.



Further the WDPC insist that a worse-case scenario approach is taken here in the impact assessments. It should be considered that these proposals are for 40 plus years and would leave the footpath as a valley between two bounded quarries, severely affected and in all effects 'lost' as a valuable and much used and loved community amenity.

Constraints - The Mill Stream of the River Welland, The River Welland and The Hydrological effects of the proposed mine.

As we have discussed, the Mill Stream of the River Welland runs along the entire Southern boundary of the proposed site.

The Environment Agency advice on proper and appropriate Hydrological Impact Appraisal for Dewatering Abstractions is attached under Appendix K and a hydrological and hydrogeological impact assessment commissioned by the owners of Molecey Mill & The Granary is included under Appendix B. It outlines the significant effects, that need to be considered and appropriately addressed, of the quarry dewatering on the nearby rivers and on the water table. Some of these are temporary effects 30-40 years during the life of the proposed quarry and some are permanent effects where the water table will be changed forever.

The Mill Stream provides the lifeblood for the Grade II* Listed Molecey Mill & The Granary – its importance being outlined here –

“The Molecey site is crossed by watercourses, as one would anticipate for a watermill. The remains of the Welland Navigation (River Welland), the Mill Stream and the Trout River all cross the site and have been noted as important to the special character of the mill and granary. Clearly, for a mill the presence of watercourses is intrinsic to the setting of the building. The list description for Molecey notes its waterwheel to be unique as the only surviving example of its type which is intrinsic to the interest of the building. This being the case we suggest anything which put the functioning of the wheel at risk, for example a development which affected the mill stream, would be highly objectionable from a heritage perspective.”¹¹

The Mill Stream is integral to the functioning of the listed mill and intrinsic to its listing. Proposed stand-off distances of 30m, when the proposed plans are to dewater the quarry to depths far below the water table, seem fundamentally inadequate.

Cemex’s recent planning application¹² for the last remaining buffer field north of the A1175, which lies only 30m from this proposed site, appendixes a hydrology report prepared by Hafren Water where it was concluded that the radius of influence of the dewatering would extend to some 340-588m from the active working void.

“The radius of influence of water table drawdown, caused by dewatering, has been estimated to be between 340-588 m from the active working void.”¹³

It cannot therefore be possible to claim with these results that there will be no effect of the dewatering on the Mill Stream. Indeed, any effect to the flow or quality of the water in the Mill Stream is so detrimental that it would cause irreversible long term significant harm to the heritage asset.

The applicant has shown no indication that they appreciate this and their stand-off distances are completely inappropriate in recognizing the harm that could occur to the heritage asset.

¹¹ HIA opinion JPPC – Appendix A

¹² S22/0756

¹³ Hafren Water Hydrogeological and Hydrological assessment for proposed extension to mineral extraction at West Deeping – Appendix G

The WDPC recommend that stand off distances (if they can be guaranteed not to change) should be at least 400-500m (based on the Hafren Water Hydrology reports) from the banks of the river.

Similarly in order to protect the stability of houses and dwellings at risk from subsidence due to the dewatering activities, these stand off distances should also be applied to any homes and gardens as well.

Any report on the effects of the mining on the water table and the effects on the adjacent rivers will need to include baseline data about the quality, flow and quantity of the water in the River Welland Mill Stream and the main River Welland. To date no such data has started to be collected and the WDPC considers that at barest minimum the baseline data should be collected for a full year prior to any application to establish seasonal variations.

Constraints – Transport and Road Safety

‘The access design is based upon paragraph 5.6.2 part 2, which specifies the radii required to accommodate a 16.5m long articulated design vehicle turning to and from the site in a rural location, such as the A1175 Stamford Road. The 215m visibility splays specified at the access accord with the DMRB requirements at junctions on a 60 mph road. To confirm existing speeds, an Automatic Traffic Counter (ATC) was installed to record traffic volumes, class and speeds over a 7 day period between Saturday 18th and Friday 24th November 2023 inclusive. The traffic survey results confirm the relevant 85th percentile design speeds were established to be 56.7 mph eastbound from 31687 vehicles, and 57.1 mph westbound from 31152 vehicles. It is therefore apparent that the design speeds fall below the 100 kph (62.1 mph) level for which the 215m visibility splays proposed are acceptable on a trunk road.’¹⁴

The A1175 is a main A road with speed limits of 60mph. The proposal is to create a new entrance to the new quarry where HGVs would be turning east across the 60mph traffic to join another flow of 60mph traffic.

Breedon claim that the visibility splay of 215m is enough for such a junction. Those that live in the village and experience this road daily disagree.

By using the judgement of the 85th percentile speeds this means that 15% of the time cars and road users using the A1175 are travelling in excess of the specified speeds as slow moving quarry trucks try and cross the fast moving traffic.

To put that into perspective - that is 1½ cars in 10 that are in danger of hitting the quarry vehicles with the resultant tragic consequences.

There are frequent accidents on this stretch of road and at the King Street junction. We suggest that the proposed access design and its implications should be considering worst case scenarios and not the 85th percentile.

¹⁴ Heaton’s Scoping Report for Breedon

The barest minimum requirement here should be for a new roundabout but the WDPC still consider that if the MPA decides that this quarry despite all of its constraints is suitable, safer for all would be to transport the mineral to the existing site via conveyor belt under the road for processing in a new plant.

Constraints – Ecology

If Breedon's plans go ahead the ecology & landscape of West Deeping will be changed forever. SG11 & SG17 will surround the East side of the village with gravel pits for decades (30-40 years) to come eventually turning them in to yet more ponds in complete contrast to the original farmland. The grade 2 farmland to the north of the A1175 has already been destroyed forever, the ecosystems will never recover.

The plans put forward in the recent scoping request will change the land in the area of SG17 from grade 1 and 2 agricultural land, which has been farmed consistently until recent years (4-5 years)

The Preliminary Ecological Appraisal (section 1.6) included in the scoping request states the following relevant legislation must be complied with. As stated this list is not exhaustive. Below is a review of these legislations and their impact on the ecology of West Deeping.

Otters

Wildlife and Countryside Act 1981 (as amended): The primary piece of legislation that *protects animals, plants and habitats in the UK. Within this legislation a provision is made for **the protection of Otters** which are present in the water adjacent to SG17 & SG11.*

The community of West Deeping has extensive photographic, dated evidence of the presence of otters

This means it's an offence to wilfully kill, injure, capture or disturb otters except under licence.

Part 1, section 9 of the Wildlife and Countryside Act 1981 specifically states

4) Subject to the provisions of this Part, a person is guilty of an offence if intentionally or recklessly—

(b) he disturbs any such animal while it is occupying a structure or place which it uses for shelter or protection; or

(c) he obstructs access to any structure or place which any such animal uses for shelter or protection.

Furthermore, as Otters are a protected species they are covered by "Conservation of Habitats and Species Regulations 2010: Regulations to allocate, and safeguard, European designated sites and species" also listed in the scoping request. This legislation states, amongst other things;

Part 1, Section 43

43.—(1) A person who—

(b) deliberately disturbs wild animals of any such species,

(d) damages or destroys a breeding site or resting place of such an animal,

is guilty of an offence.

(2) For the purposes of paragraph (1)(b), disturbance of animals includes in particular any disturbance which is likely—

(a) to impair their ability—

(i) to survive, to breed or reproduce, or to rear or nurture their young; or

(ii) in the case of animals of a hibernating or migratory species, to hibernate or migrate; or

The government guidance (Otters: advice for making planning decisions) details the requirements to acquire a licence and the need for a specific survey where Otters are present. The guidance stipulates a survey is required if:

- *distribution and historical records suggest otters may be present - you can search the National Biodiversity Network Atlas by species and location*
- *development will affect a water body, river, stream, lake, sea or marshland*

Dust pollution is inevitable and therefore must be mitigated

- *development will affect habitats near a water body directly or through environmental effects, such as creating noise or light*

In addition to light and noise impact, vibration from quarrying will inevitably impact the otters' habitat and their ability to thrive

We therefore require a full Otter survey. The ecologist must hold a valid and relevant licence and must be qualified and sufficiently experienced to carry out the survey and capable of following the Biodiversity code of practice for planning and development (BS 42020:2013) available on the British Standards Institute website. WDPC reserve the right to review the suitability of the surveyor.

On completion of the survey, if a license is applied for WDPC require a copy of the completed application form (A45) including the method statement, the reasoned statement, the master plan for phased development and a habitat management and maintenance plan.

In addition to the wide array of UK and adopted European legislation, LCC's sustainability Appraisal Scoping Report states in objective 1

"Conserve or enhance species diversity & avoid harm to internationally & national protected, scarce and rare species"

And Objective 4

"To maintain & where possible improve the quality of sustainable use of ground & surface water resources"

As rivers are a major type of surface water and otters are a protected species LCC state as a clear objective their intention to protect them. Therefore, it is inconceivable that LCC can approve SG17 & 11 without directly contravening their own objectives.

The scoping request also states “Natural Environment and Rural Communities (NERC) Act 2006” is considered. This act created Natural England and the Commission for Rural Communities.

Chapter 1, Section 2 of the NERC states

(2) Natural England's general purpose includes—

(a) promoting nature conservation and protecting biodiversity,

Both of which are destroyed by quarrying as is already evident in 50% of the parish of West Deeping

(b) conserving and enhancing the landscape,

Further gravel pits will not conserve the landscape, it will be changed forever

(d) promoting access to the countryside and open spaces and encouraging open-air recreation, and

The main PROW between Market Deeping and West Deeping will become a narrow channel between two intrusively loud, dusty, polluting quarries. Rural communities will lose access to an area of recreation which has become part of local life, mental as well as physical health will deteriorate, and generations of villagers will pay the price of extended mining on their doorstep.

SG17 & SG11 would destroy the current biodiversity, devastate rather than enhance the landscape and an area consistently used for arable farming and grazing would become yet more ponds & wetland. The original ecosystem will be extinguished and will never recover.

Furthermore, the WDPC would like to ensure they are given early copy of the following recommended ecological surveys are recommended in relation to the following species/species

Bats (foraging and commuting);

Bats (roosting);

Reptiles;

Great crested newt;

Otter and water vole;

Breeding birds;

WDPC would further like to draw your attention to an error in the PEA

1.4 SUMMARY OF PROPOSALS

1.4.1 *The Client is applying for planning permission for the extension of West Deeping Quarry in to land south of the A1175, for which the existing operations are located to the north. Restoration will show the Site return to agricultural use ('the Proposed Development')*

SG17 is not an extension, it is a new quarry. Recent plans have indicated the land will not be restored to agricultural land but instead ponds. However a later proposal states

1.4.3 *A Restoration Concept Plan of the Proposed Development was provided by the Client prior to undertaking the survey (Drawing Reference: BRE-028-M-REST), restoration of the Site will be to agricultural use, including ponds, hedgerows and scattered trees.*

Please advise which is the correct proposal.

We note the zone of influence is fully detailed for wildlife and varies from 30m to 2km. Please advise what the zone of influence is for other mammals, ie Humans?

It is very clear than the hedgerow to the north of A1175 has been destroyed by years of quarrying and road dust. It is noted form the PEA that hedgerows H1 & H3 are classed as rich containing Hawthorn (*Crataegus monogyna*), field maple (*Acer campestre*), elder, hazel (*Corylus avellana*), blackthorn (*Prunus spinosa*) and field rose (*Rosa arvensis*). We would like to understand how Breedon intend to protect this rich hedgerow considering the proximity of the quarry to the hedgerow and a road which will continue to be polluted by quarry traffic.

In addition, the filthy conditions of the road directly outside the current West Deeping quarry will inevitably be repeated on the A1175 (please see photo taken January 2024 below). Obviously this is a road hazard but this will also further impact the quality of the hedgerow to the South of the A1175 which will be the first point of exit and entry to the quarry.



As a final note on ecology, we would like to bring your attention to the Government's 25 year environment plan which details their dedication to clean air, clean and plentiful water and thriving plants and wildlife. This seems in complete contrast to Lincolnshire County Councils scorched earth policy of quarrying within West Deeping parish.

Within the 25 year Environment plan the Secretary of States foreword includes the following paragraph

"Respecting nature's intrinsic value, and the value of all life, is critical to our mission. For this reason we safeguard cherished landscapes from economic exploitation, protect the welfare of sentient animals and strive to preserve endangered woodland and plant life, not to mention the greening of our urban environments"

And the first paragraph of the executive summary states

"This 25 Year Environment Plan sets out government action to help the natural world regain and retain good health. It aims to deliver cleaner air and water in our cities and rural landscapes, protect threatened species and provide richer wildlife habitats. It calls for an approach to agriculture, forestry, land use and fishing that puts the environment first"

Having destroyed so much of our village already, we would like to understand how LCC and Breedon feel it is acceptable to destroy a further 25% of the parish by mining SG17 & SG11.

Constraints – Setting and landscape character

The landscape is a vital part of our natural and man-made environment and is considered by many to be one of the most important components of a healthy, enjoyable life. During the latter part of the century, we have witnessed its vulnerability in the face of economic growth and social change. The result has been serious erosion of the character and quality of many of our urban and rural landscapes.

In planning for future prosperity, more effort must be put into safeguarding the quality of the environment not only for own health and well-being, but also for the sake of future generations. The growing emphasis on sustainable development, the balance between social concerns, economic development and the environment implies a strong need to integrate issues of landscape, conservation, and enhancement into the development process.

There needs to be high standards for the scope and content of landscape and visual impact assessments. Landscape and visual impacts are independent but related issues landscape impacts relate to changes in the fabric, character, and quality of the landscape whilst visual impacts relate to the appearance of these changes when undertaking a landscape and visual impact assessment it is important to adhere to several important principles.

Understanding the nature of the proposed development is vital to the landscape and visual impact assessment. This should include a consideration, alternatives, and a clear description of the components of the development which will affect the landscape. All stages of the project life cycle should be addressed - site, preparation, construction, operation, and decommissioning.

The term landscape commonly refers to the appearance of the land, including its shape, texture, and colours. It also reflects the way in which these various components combine to create specific patterns and pictures that are distinctive to locality is the landscape is not a purely visual phenomenon it relies heavily on other influences for its character. These include the underlined geology and soils, the topography, archaeology, landscape, history, land, use land, management, ecology, architecture, and cultural associations. All of which can influence the ways in which landscape is experienced and valued.

Some of the main principles of sustainable development that have been put forward are -

- policies should aspire to a balance among societal, economic and environmental objectives, with an emphasis on managing for future needs, rather than just providing for societies, immediate and ever-increasing demand for natural resources
- environmental, capacities, and thresholds should be identified and recognised, which means that limits need to be set on certain types of development in certain areas
- Key environmental resources should be safeguarded and other environmental resources should be maintained or enhanced
- The precautionary principle should be applied where uncertainty surrounds the environmental impacts of particular actions.

The implications for the assessment of landscape and visual impacts are considerable. They will be growing recognition that development may bring impacts, not just for the site itself and its immediate environs, but also for other areas.

The impact of our actions on future generations will need to be borne in mind developments that result in irreversible damage to important environmental resources, including landscape of recognised international national regional or local importance, may need to be rejected in favour of others which bring no such damage.

Current landscape and visual resources should be at least maintained and any losses made good through environmental enhancement, which genuinely compensates for any features lost or damaged. They will need to be a new focus on development that enhances, rather than the plates of stock of landscape and visual resources.

The EU directive and existing guidance from the Government and from the Countryside Commission emphasise that landscape issues are relevant to the EIA process. This suggest they focus on the appearance of the land and the way in which people respond to landscapes at the same time indicates that other factors, including flora and fauna, soil, air, water, climate material assets, and cultural heritage should be borne in mind as contributors to the landscape.

Landscape and visual issues should play a prominent role in the EIA. Unlike less immediately obvious impacts such as changes in groundwater quality, changes in the landscape have a direct, immediate, visible effects upon peoples' surroundings and therefore arouse strong feelings.

The WDPC on behalf of the community of West Deeping have major concerns about the proposed changes to our lansdscape as a result of the impact of the proposed development. Therefore, it is essential that a **through and honest** assessment of the landscape and visual impact of the proposed development is carried out.

As a baseline, the current landscape and amenity of the residents of West Deeping and the outlook from the village, its conservation area and its heritage assets is detailed in photographs in Appendix N. The WDPC invites the applicants to use this as a baseline for all of their assessments as it has such a profound and far-reaching effect on the amenity and quality of life of the residents and community of West Deeping.

Here are some of the views of the potential quarry site illustrating its proximity to the village, conservation and heritage assets of West Deeping and the direct and intrusive, long-term effects that it will have. -



Fig 1: The location of the proposed processing plant in relation to the village – plant will be situated in the foreground of the image before the hedge



Fig 2: This is a view of the proposed site from the houses on the east of King Street with the proposed plant situated centrally in the image after the hedge. The quarry would stretch as far as the eye can see.



Fig 3: This is a view of the proposed site from Molecey Mill & The Granary. The proposed quarry would surround the gardens of Molecey right up to the fence, destroying its setting. Everything as far as the eye can see here to the village is proposed to be an open cast mine.



Fig 4: This is a view of the proposed site from Molecey Mill & The Granary. The proposed quarry would come be very close in the fields immediately adjacent to Molecey and everything you can see here between the village and the view of the Grade I listed St. Andrews Church in the background surround the gardens of Molecey, destroying the setting of both.

1. The Fenland Landscape and changing weather patterns.

The Fens, also known as the Fenlands, were drained centuries ago, resulting in a flat, dry, low-lying agricultural part of the region. Half of the UK's most fertile agricultural land is in the Fens, providing a fifth of the nation's crops and a third of its vegetables. Complex engineering over centuries has made this land viable as a place to live, work and grow crops, but the Fens is on the front line of extreme weather patterns and lies within a few metres of sea level. If lost to flooding by the sea, this land cannot be reclaimed, and the UK would become very reliant on imported foods. One of the areas of the UK most exposed to climate change impacts, the Fens are on the frontline of rising sea levels, at growing risk of severe tidal flooding. Yet this region, spanning three counties in the East of England, is also the driest part of the country, with water shortages a real and increasing risk, particularly during the summer months. This landscape is a microcosm of the vast challenges which face us from climate change.

The sense of place in the Fens is provided by the geodiversity underpinning the large-scale, flat and open landscape with long views, expansive skies and spectacular sunsets. The feeling of scale is further emphasised by the rich and varied, intensive agricultural land use that also produces strong seasonal changes from the black of bare, peaty soils to the rich colours of agriculture to the whites of winter. The feel and light in the landscape can quickly change with weather conditions.

Conversations with farmers from East Anglia highlight that they're staring down the barrel of a soil moisture deficit gun. "Things are absolutely dire" they say. NFU President Minette Batters echoed this concern by saying we need a "radical rethink" about how water resources are maintained.

Mining operations often pollute the atmosphere, surface waters and ground water. Rainwater seeping through spoil heaps may become heavily contaminated, acidic or turbid, with potentially devastating effects on nearby streams and rivers.

In short, raw material extraction and processing always impact on the environment, resulting as they do in soil degradation, water shortages, biodiversity loss, damage to ecosystem functions and global warming exacerbation.

2. West Deeping

The fens are characterised thus - The area is notable for its large-scale, flat, open landscape with extensive vistas to level horizons. The level, open topography shapes the impression of huge skies which convey a strong sense of place, tranquillity and inspiration.

With over 50% of our parish already mined and pillaged for its natural resources, West Deeping has managed to retain a small part of its historically rural setting. Bounded on the east and west by agricultural fields and retaining the rivers that run through them, West Deeping has become an island surrounded both and south by extensive mineral extraction sites.

If the proposed mineral extraction is allowed to proceed then West Deeping will lose some of its only remaining residential amenity land. The sense of place in the fens with its big skies and open countryside will be completely lost. Currently the views and vistas enjoyed by most of the houses in the

village remain relatively unspoilt despite the extent of the quarrying. The new proposals would destroy this.

Big skies and flat agricultural fields would be replaced with a huge industrial development and a lunar landscape for the next 30-40 years.

3. Averting Substantial Harm to an Important Heritage Asset

Case law has established that considerable importance and weight must be attached by the decision maker to the desirability of preserving the setting of heritage assets when balancing harm against public benefits.

Equally the NPPF is very clear that great weight should be given to the conservation of designated heritage assets and the more important the asset, the greater the weight should be. If harm is identified, there are two policy tests in the NPPF:

Proposals which would result in substantial harm should be refused unless it can be demonstrated that it is necessary to achieve substantial public benefits that outweigh the harm.

Where a proposal would lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal. Although substantial and less than substantial harm are a matter of judgement the NPPG advises that substantial harm is a high test and is most likely to be applicable where a fundamental element of a heritage asset's special interest is seriously compromised.

The Grade II* Listed Molecey House, Mill and The Granary as it exists today is believed to have its origins in the 17th century and by the early 20th century its function had changed from a working mill and residence to a residence in its entirety, and then split into two separate dwellings in the late 20th century. These changes are reflected in its construction, alterations to its internal arrangement, and architectural detailing. Despite changes of function and alteration, the building largely retains its historic fabric and character and as such is a significant heritage asset.

Molecey House, Mill and The Granary has considerable aesthetic value as both the buildings and the waterways around them retain a high level of their historic character and look very much as they would have done 150 years ago, contributing to their wider setting and the historic character of the area. Another element of the significance of the Mill is the considerable communal value it has in its former role as a provider of employment locally, along with the production of flour for the local towns and villages.

The River Welland which runs along the southern boundary of the proposed quarry is a fundamental element of the heritage asset's special interest as it provides the lifeblood and power to the historic mill, as it has for centuries. Substantial harm to the Grade II* heritage assets would result from any impact of the proposed mineral extraction activities on the flow, clarity or quality of the water in this river.

The Mill welcomes over 3000 guests and visitors a year through its gates, all of whom enjoy the magic of Molecey. Many experience its finest with weddings and events. The weddings and events provide direct and indirect employment for between 50 and 100 people each year. This will all be lost if the mining is allowed to go ahead.

4. Underpinned by History

The custodians of Molecey Mill & The Granary in September 2023 objected to one of the many mineral extension applications and commented thus –

“Guided by successive families from the 10th century its setting and context are as valuable to its listing as its stones.

We are fighting on behalf of the Molecey family who from 1760 built everything we enjoy today and for the Riley’s - this was Bridget Riley’s home, the most famous living 20th century British artist. during her formative years in the 1950’s and provided the inspiration for a whole movement in modern British art. And for the van Geests - whose home it was and from where they ran Britain’s biggest banana business for 30 years until 1984.

The mill, it’s people and the surrounding fields are what made it the building it is. Molecey and West Deeping want no more quarrying.

This reduction in standoff comes within 25 metres of a listed building whose only protection will now be straw bales! SKDC have objected - our district council have said no more, Historic England have objected - the body responsible for protecting our historic built environment and the legacy of those who lived and worked in west Deeping for over 1000 years.

Historic England have said no more

Yet Lincolnshire County Council still say yes!!

Yes to open cast mining to the door step of a listed barn

Yes to Continued delays of restoration and a landscape destroyed

Yes to not bothering about the Whole impact of many many many planning applications in our local area

A huge solar plant development at Mallards pass 3 miles away, Langtoft and Baston number 2 quarry expansions 1 mile away and Anglian water coming underneath us with a huge new water pipe line there will be no land left in this area that has not been dug up or buried. And no road not gridlocked with Lorries. Say no today and turn the tide on the destruction of this tiny corner of south Lincolnshire and the cumulative impacts of all these applications.”

There is so much history in the buildings and land around West Deeping. Quarrying has taken over 50% of the parish and it time to look elsewhere for our mineral needs.

Section 4 – Considerations

Socio Economics

Breedon's scoping report suggests that a full socio-economic assessment is not necessary and focuses attention solely upon the direct and indirect employment benefits associated with the mineral extraction activities. The West Deeping Parish Council consider that due to the harm that will be inflicted on several local business including but not limited to The Red Lion Public House, the wedding and events business at Grade II* Molecey Mill and the Granary, the multitude of suppliers, caterers, florists, and photographers who support the wedding and events business, the farming businesses who lease and operate the land which the mine proposes to swallow, that a full socio economic assessment which considers the harm that will be done and employment that will be lost as a result of the open cast mining activities needs to be completed.

Whilst we acknowledge that under planning policy an impact on property prices is no reason to refuse an application, any socio-economic report should also assess the potential impacts to illustrate the full extent of the impacts of the proposed mine.

Alternative Sites and Need

There will always be a need for minerals irrespective of quotas and it is right that the MPA make adequate provision for this. The South Lincolnshire area of search for mineral extraction sites extends to some 85 sq km of which only about 10 sq km have so far been plundered for their resources.

There are many more appropriate sites that should be considered by the quarry companies and the MPA ahead of these ones proposed by Breedon. You have 75 sq km to look in. There must be many alternative sites which do not sit so close to people's homes, which do not impact so directly and intrusively on people's lives, views, amenities and businesses. Sites which do not threaten major rivers and heritage assets.

It is not up to us as residents of West Deeping to direct the MPA on this but it is right that the MPA and the Minerals companies explore better options than this one to fill their mineral quotas.

The WDPC suggests that more appropriate sites need to be given more consideration.

Breedon's annual report indicates that the year on year decline in need for aggregates since Covid continues and is expected to get less in the coming years with the economic squeeze and increased costs –

*"The UK economic landscape remains uncertain with limited visibility beyond 2023, particularly with respect to residential housebuilding from which c.20% of our revenues are derived. While recent UK construction PMI data indicates infrastructure and non-residential building (end-markets that account for c.70% of our revenues) remain in expansionary territory, CPA growth forecasts have been reduced, indicating construction output will return to muted growth in 2024."*¹⁵

¹⁵ Breedon Annual Report 2023

“Aggregate and asphalt volumes declined in line with the broader market while volumes of ready-mixed concrete were stable.”

Further Breedon have huge reserves of aggregate under their stewardship (some 1 billion tonnes) and so any arguments presented in the application as to the stability of Breedon’s workforce and job retention should the proposed permissions be refused for this new quarry should be considered false.

“Our vertically-integrated model is backed by around one billion tonnes of mineral reserves and resources making us one of the largest heavyside building materials suppliers in GB and Ireland, with reserves under our stewardship equivalent to over 30 years of production. Our mineral planning pipeline is currently in excess of 100 million tonnes.”

There has been a year-on-year post-covid decline of need for minerals – (Breedon Annual Report 2023) and this is predicted to continue.

OPERATIONAL REVIEW

Product volumes

m’ tonnes except where stated	H1 2023	H1 2022	H1 2021	H1 2020	H1 2019
Aggregates	13.0	13.6	15.0	8.0	9.9
Asphalt	1.8	1.9	2.0	1.0	1.4
Cement	1.1	1.2	1.2	0.8	1.0
Ready-mixed concrete (m ³)	1.5m	1.5m	1.7m	1.0m	1.5m

Volumes performed broadly in line with industry forecasts. On a like-for-like basis, aggregate volumes reduced 6%, asphalt 3%, cement 3% and ready-mixed concrete was marginally lower compared with the first half of 2022.

“Markets remain unpredictable and so we are taking actions to enhance our competitive position and maximise the benefit of our vertically-integrated model. We recognise that recent decisions to delay or cancel major infrastructure projects, alongside growing pressure on local authority road maintenance budgets, has reduced visibility. We will remain close to our customers and deliver a high quality, sustainable service while continuing to review our asset portfolio for efficiencies.”

The WDPC urges the MPA to carefully consider the need for these minerals in light of the expected continued decline in need.

The WDPC further urges the applicant and the MPA to seek alternative sites within the South Lincolnshire Area of Search which do not impact so dramatically on the life, health and amenity of residents and which do not impact so dramatically on Listed Heritage Assets and main rivers.

Considerations - Community Engagement

Background

Since MS29 was first presented as a possible site option, there has been unanimous and unified objection to this as a proposed mine site from the residents of West Deeping. We are in no doubt of the devastating effect that bringing the open-cast mining to the south side of the A1175 and right next to the village for the next 40 years will have on our village, our health, our amenity and our lives.

Throughout the many iterations of this process objections have been raised and attempts at discussion with Breedon and LCC have often been stonewalled. To ensure that once again this does not get whitewashed from this process we re-iterate these here –

Please see Appendices E, F, H & L for some of the correspondence.

At the village meeting organised by Breedon on 27th February 2023 - unanimous opposition from villagers was met with arrogance and contempt from Breedon. No attempt at compromise or no thought for the residents has ever been forthcoming and this current scoping request continues this theme.

Even recently the WDPC has written to Breedon on a number of occasions to seek changes to their plans to try and currently reflect the devastating effects that the mining will have on the village and their responses have been once again to be entirely dismissive of these detrimental effects and to the opinions, thoughts, feelings and comments of the community. We include the correspondence under Appendix O.

True and proper community engagement should involve a process of consultation and discussion, not simply give a nod to it and carry on in the pursuit of profits and industrial development no matter what the consequences to the local community are. It is insidious to claim to be involved in community engagement when you do not actually properly engage.

Considerations – Worst Case Scenario

When mineral extraction is proposed so close to so many sensitive residential receptors, and if it is considered to be achievable, then there do inevitably have to be compromises by mineral extraction companies in order to protect the health, wellbeing and amenity of the human beings whose lives are directly impacted by the quarrying activities.

In order to establish what required mitigations may be proposed to reduce the negative effects of the impacts of the mining on the residents, the WDPC considers that in every report prepared and presented in the EIA and cumulative impact assessments, Breedon should be using a 'worst case scenario' basis for their tests and proposed mitigations.

Here are some of the considered examples (but not limited to) -

The effect on the water table - the radius of influence of the dewatering should use the extreme reach of the dewatering effects as a guide to possible stand-off distances from rivers, homes and heritage assets.

The possible dust transmission distances for small dangerous silicosis causing particles. Lincolnshire is a particularly flat windy landscape and if one dangerous particle can travel long distances then all particles should be considered to be able to travel those distances - again the outer reaches of their transmission should be considered to protect the humans living nearby.

In any transport studies, the 85th percentile is not a safe measure to use. To break it down this means that 1 1/2 in 10 cars are in danger from having an accident with the slow-moving quarry trucks. The quickest speed recorded during the highway and traffic survey should be taken as the benchmark and visibility splays or roundabout considerations should be based on that, not on the 85th percentile.

This 'worst case scenario' approach should be used in each and every survey or assessment taken to establish whether appropriate mitigations are even possible.

Section 5

THE PROCESSING PLANT AND PROPOSED PLANT LOCATIONS

The WDPC consider that the decision by Breedon to propose to build a new processing plant on the site rather than to rebuild the new processing plant on their existing plant site and use a conveyor to transport the minerals to the site for processing is highly unsafe for the residents of West Deeping and will greatly affect their quality of life and their health - as such any planning permission should be refused outright for these reasons.

This is a highly significant change in circumstances to their previous proposals and has meant that the MS29 site can no longer be considered as being an allocated site. LCC are not carrying the site forward in their Updating the MWLP as a result and Breedon have re-presented the site as SG17.

To propose to bring the plant site into the direct view of over half of the homes in the village shows the contempt that Breedon have for the villagers of West Deeping, who have been good neighbours to the quarry companies for over 70 years. Mining Operations that don't respect human rights can cause significant harm to surrounding communities. Mining is the most hazardous industrial occupation, it not only competes for land and water resources but it also produces health-threatening waste and pollutants. It is an inherently invasive process that causes damage to the landscape in an area much larger than the mine itself and causes large visual and physical impacts.

Let us be open and transparent about what is being proposed here – this is not a processing plant next to the village for the next 7 -8 years, this is a large industrial complex which will remain on the site for at least the next 30-40 years until such times as every square metre of sand and gravel has been pillaged from south of the A1175 right up to our doorsteps.



Fig 1. The existing Breedon plant site, offices, fleet storage and workshop



Fig 1. The existing Cemex plant site, offices and bagging plant

A recent parliamentary bill received a first reading calling for there to be a national minimum standard buffer zone of at least 1000m from settlements in order to protect the health of people who live near the quarries. Dust generated by quarrying can contain silica which can easily be inhaled and causes silicosis.¹⁶

Further the light and noise pollution that would result from siting the processing plant so close to the village would significantly affect the quality of life of the West Deeping residents.

The incongruity in their scoping proposal where they are proposing to be able to transport the water caused by the dewatering processes across (either under or over) the road to their existing settlement ponds and yet do not want to pay to do this with the mineral suggests that they are putting the pursuit of profit ahead of the health and wellbeing of the residents of West Deeping and this is grounds for refusal.

The MS29 site has enough constraints that it shouldn't be being considered as a mineral extraction site. By placing the processing on the south side of the A1175, these constraints become even more compelling to refuse this planning application.

There can be no escaping the conclusion that in bringing the processing plant so close and visibly to the village side of the A1175, the cumulative effects that by themselves may not cross the required thresholds to refuse the quarry application, become much more acute and when one considers them together, the only conclusion can be that the threshold for cumulative impact will have been surpassed.

¹⁶ Appendix M



Fig 1. The proposed site for the new processing plant

Here are the views that the houses of West Deeping will have of the proposed industrial site -



Fig 3: This is a view of the proposed site and how close it will be to most of the houses in the village



Fig 4: This is the Cemex processing and Bagging Plant – a similar scale industrial site is proposed in the top left striped field in this photo immediately in full view of the village.

Section 6 – Sustainability Appraisal assessed against the framework for site allocation options.

If we assess this proposed site against the –

“Sustainability Assessment Framework for the assessment of site allocation options – proposed minerals sites” Lincolnshire County Council Minerals and Waste Local Plan Review June 2022

These are the results -

1. To conserve and where possible enhance biodiversity and geodiversity designations, as well as natural habitats and protected species.

Negative - Effects on nature conservation designations, but mitigation possible.

Or

Significantly Negative Affects - Likely significant effects on a Habitats Site (as identified in the Habitats Regulations Assessment including any Appropriate Assessment) or SSSI Or Sites that include or are adjacent to a Site of Special Scientific Interest (SSSI)

2. To conserve and where possible enhance the quality and character of landscapes and landscape features.

Negative – No specific landscape designation, however, has important features and mitigation not considered possible.

3. To conserve and where possible enhance the historic environment (both above and below ground), built and cultural heritage, and their settings

Significantly Negative Affects – There is considered to be an impact that could affect the significance of a designated or non-designated historic environment asset or its setting with no mitigation suitable or The site includes or is adjacent to a site or building with a nationally recognised designation (scheduled monuments, conservation areas, listed buildings, registered historic battlefields and registered parks and gardens) or is adjacent to ancient woodland.

4. To maintain and where possible improve the quality and sustainable use of ground and surface water resources

Significantly Negative Affects – There are known constraints regarding surface water

5. To maintain and where possible improve air quality

Neutral – There are no Air Quality Management Areas in the immediate area or

Negative Effects – Dust impacts will be widespread and damaging to health and the environment as we have seen from the existing quarries.

6. To ensure that, where possible, new development is carbon neutral

Neutral – All proposals impact identified at this stage as impacts would only be identifiable at the planning application stage and in adherence to relevant plan policies. Yet to be explained.

7.

- a. To ensure that minerals and waste activities do not lead to an increase in flood risk and are prepared for the impacts of climate change – flooding from rivers and sea.

Negative Effects – The site is partially within Flood Risk Zone 3 (a or b) and an ‘exception test’ would be required or predominantly within Flood Risk Zone 2 an ‘exception test’ would be required

Or

Significantly Negative Effects - The site is predominantly within Flood Risk Zone 3a and identified as ‘highly vulnerable’ or The site is within Flood Zone 3b and either ‘highly vulnerable’, ‘more vulnerable’ or ‘less vulnerable’ (i.e. development should not be permitted)

- b. To ensure that minerals and waste activities do not lead to an increase in flood risk and are prepared for the impacts of climate change – surface water flood risk.

Negative Effects – Site is predominantly within an area of ‘medium’ risk

Or

Significantly Negative Effects - Site is predominantly within an area of ‘high’ risk

8.

- a. To minimise any impacts deriving from waste management and, or mineral extraction in regard to human health and wellbeing – public amenity.

Uncertain Effects – A PRoW borders the proposal site

Or

Negative Effects – The Proposal would lead to the loss of a PRoW

- b. To minimise any impacts deriving from waste management and, or mineral extraction in regard to human health and wellbeing – bird strike hazard.

Significantly Negative – Restoration proposal is for biodiversity gains that will increase the presence of birds (e.g. wetland creation), and is located on a known flightpath

9. To minimise any impacts on local amenity resulting from minerals or waste activities (e.g. noise, dust, vermin, odour)

Negative Effects – Properties within 250m of the site cannot easily be mitigated

Or

Significantly Negative Effects - Any properties within 250m of the site with no capability of mitigation

10. To minimise minerals and waste miles, ensure there is suitable transport infrastructure, and promote the sustainable transportation of minerals and waste.

Negative Effects – The proposal has an objection from the County Highways Authority regarding access arrangements however capable of being suitable

Or

Significantly Negative Effects - The site, or proposal would conflict with identified transport infrastructure movements or existing commitments.

11. To ensure a steady and adequate supply of minerals to meet identified needs and avoid the sterilisation of minerals resources.

Significantly positive effects - The site significantly contributes to meeting mineral supply needs

12. To promote sustainable use of minerals

Positive Effects – The proposal is a new site for mineral extraction

13. To ensure the effective restoration and appropriate after-use of mineral extraction sites

Negative Effects – restoration scheme is considered unsuitable

Or

Significantly Negative Effects - It is considered that the nature of the proposals would be deemed capable of having potential significant negative impacts

14. To move management of waste up the waste hierarchy (prevention, re-use, recycling, other recovery, disposal).

Not applicable

15. To ensure a mix of types and scales of waste management facilities, and ensure adequate provision is made for waste disposal

Not applicable

16. To protect and improve soil quality, in particular the County's best and most versatile agricultural land

Significantly negative effects - Grade 1 ALC or Grade 2 ALC

17. To promote economic growth and diversity across the County through opportunities arising from minerals and waste activities.

Uncertain Effects – the site could conflict with neighbouring employment uses.

When you assimilate all the results of a sustainability appraisal assessed under the LCC guidelines then this give further proof that this site has too many constraints which can't be mitigated to make it a viable minerals extraction site.

Restoration

The new Scoping Report proposes restoration to lakes and marshes and takes no account for many previously discussed restoration plans which had been arrived at through community engagement and with much thought.

Recommendations from various statutory consultees have suggested that large waterbodies are not the most appropriate restoration goals considering the proposals involve removing some of the best and most versatile agricultural land.

The sustainability of running pumps 24/7 in perpetuity as is the case in the yet to be restored quarries north of the A1175 is not a suitable end goal for anyone. It is environmentally harmful and has associated noise effects.

The WDPC insist on a return to a more considered and respectful restoration proposal.

The WDPC also question how Breedon plan to progressively restore the site when a. they are proposing to be working away from the processing plant in an easterly direction and b. the plant site is proposed to remain on the village doorstep and in its direct line of sight for 30-40 years.

Further why in the scoping report is the proposal for 7-8 years of gravel extraction with a further 2 years of restoration when their stated plan is to restore progressively and therefore it wouldn't be taking two further years to restore the site. Again this doesn't hold true and is another inconsistency.

The WDPC has grave concerns about the standard and safety of current restoration being done by the applicants for the West Deeping quarry north of the A1175. The photos below illustrate the subsidence and danger of the existing restoration and calls into question the applicant's professional abilities in relation to this.



Fig 1: Restoration subsidence in the fields immediately north of the A1175



Fig 1

Fig 2 : Restoration subsidence in the fields immediately north of the A1175

Summary

The WDPC considers that the proposed site has Level 1 Absolute Constraints which are unmitigatable, and that planning permission should be refused outright. It is further a site with many serious constraints which should preclude it from being a suitable site for mineral extraction.

The 'particularly important building of more than special interest' Grade II* Listed Molecey Mill & The Granary and its setting will be highly significantly adversely affected by the development, as will the Grade II * Manor House in West Deeping, the Grade II Maxey Mill and the West Deeping Conservation area and the village of West Deeping with its 20 listed heritage assets and their settings.

HIA assessments presented as part of this representation confirm this to be the case. No appropriate mitigation has so far been presented to contradict this. The permanent substantial harm caused to the heritage assets and the great weight that should be afforded to this would outweigh the benefits caused by the mineral extraction.

As it is likely that these proposals, if approved, will lead to a 40 plus-year, new quarry on the site, the WDPC considers that the decision by Breedon to propose to build a new industrial processing plant and development right next to the village or indeed anywhere on the site is highly unsafe for the residents of West Deeping and will greatly affect their quality of life and their health. This would outweigh any public benefits of the mineral extraction even if they are afforded great weight.

Let us be open and transparent about what is being proposed here – this is not a processing plant next to the village for the next 7 -8 years, this is a large industrial complex which will remain on the site for at least the next 30-40 years until such times as every square metre of sand and gravel has been pillaged from south of the A1175 right up to our doorsteps.

As it is quite apparent that Breedon's long term goal is to create a new 314 acre site immediately adjacent to the village and to our listed buildings and conservation area, it is only right and proper that any proposals and applications to mine any of this site should treat the site as one.

This is especially important with regards to cumulative impact, historic environment, ecology, destruction of amenity, restoration, timescales, destruction of the landscape and disruption to people's lives.

Living immediately adjacent to a quarry for 7-8 years is one thing but living next to it for another 30 plus years on top of the 70 plus already experienced is a totally different impact. Indeed, if Breedon have their wishes then we will have been living next to quarries for over 100 years.

The WDPC therefore request that any report or assessment that is submitted for this site considers the whole 127-hectare site of SG17 and SG11 as one, together with any areas 'left' as buffer zones or stand off distances.

This should be reflected in all aspects of this proposal as is correct and right under planning law. Any application which comes in which doesn't take this into account in every aspect should be rejected.

The WDPC further considers that all assessments presented in support of this proposal including but not limited to the Environment and Social Impact Assessment, the Cumulative Impact Assessment, the Heritage Impact Assessment, the Flood Risk Assessment, the Hydrology Reports, the Transport Assessment, the Public Rights of Way assessment, any landscape or visual assessments, should give proper consideration to the entire proposed

127 hectare site and not just to the MS29/SG17 site. History has taught us that this is what should properly be considered.

The WDPC further considers that as buffer fields or stand-off distances have historically been successfully eroded by subsequent planning applications, these can no longer be considered appropriate to use as tools to mitigate against the multitude of adverse invasive effects of quarrying.

The protections once afforded by those tools can no longer be relied upon and thus they cannot be used as mitigation. History has taught us that this is the proper approach here.

The WDPC further considers that any cumulative impact assessment should take into account all of the existing, completed, proposed and planned mineral extraction activities in the vicinity of West Deeping extending to a distance of 3km from West Deeping, including those fields around the proposed mineral sites which will be sought as extensions in future years.

The WDPC draws the applicants and the MPA's attention especially to the LCC policies DM17 and DM3. It is the WDPC's contention that the cumulative impact of this proposed mine, when taken as it should be in context with all of the previous, current and proposed mineral extraction activities in the West Deeping area would have such a harmful impact on the community and residents of West Deeping that it should be refused and progression of this application should be halted.

It is further the opinion of the WDPC that the MPA is failing and has failed in its statutory duty to properly assess these cumulative impacts and to ensure that applicants provide enough information to enable them to do so. The WDPC insist that this is given full and proper attention in this proposal.

The WDPC further considers that a full socio-economic survey needs to be conducted that takes into account the damage that the new quarry will do to the existing businesses within West Deeping and not just consider the advantages that the quarry will bring to the quarry industry.

The WDPC recommend that the stand-off distances that would be required to make the river, the surrounding buildings and the conservation area safe from the effects of dewatering should be at least 400-500m (based on the Hafren Water Hydrology reports). This renders this site unsuitable for mineral extraction.

The WDPC further considers that the Mill Stream of the River Welland is so integral to the setting and listing of the 'particularly important building of special interest' Grade II* listed Molecey Mill & The Granary that any impact on this stream as a result of the proposed dewatering of the open cast mine site would have such a detrimental significant permanent effect that on balance the harm done would outweigh any benefit of the proposed mineral extraction even given that this should be afforded great weight.

WDPC considers that it can safely be concluded that by advancing the proposal in its current proposed format with a processing plant on the site and the 'significant changes in circumstances' that this represents, **that site can no longer be considered as an allocated site under this proposal**, and that as there is a policy preference for extensions to existing sites and therefore in re-presenting this site as a new site this preference is thus removed and the site automatically returns to a lower position in the selection process. With its Level 1 Absolute Constraints, this then calls in to question its suitability and deliverability as a mineral extraction site.

The WDPC considers that the changes that would occur as a result of the industrial development and open cast mine on the existing landscape would be so substantial, detrimental and permanent that this outweighs the public benefits from the mineral extraction.

The WDPC considers that the harm that would be done to the local ecology and highly important habitat of the River Welland and its mill stream, which includes numerous species including otters and bats would be contrary to many of the NPPF, national and local policies to make the site unviable as a mineral extraction site.

The WDPC considers that the proximity of the proposed site to the village of West Deeping, especially given that buffer fields and stand-off distances can no longer be considered as viable mitigation measures, would endanger the lives of the villagers and would have significant and long term impacts in relation to the harmful effects of dust particles (silicosis), light pollution and noise pollution.

The WDPC considers that the health and wellbeing of our villagers has been severely impacted by the 70 plus years of quarrying already endured and considers that the applicants Breedon should be commissioning an independent mental health assessment to assess previous, current and future impacts on our residents mental health and wellbeing as a result of the continuous and unbroken series of years of mineral extraction. This will assist in determining the cumulative impact on our community.

The WDPC considers that the proposed road access to the site is dangerous and would be fatal to motorists over time as it is currently proposed. Current proposals involve 1.5 cars in 10 having the possibility of hitting a slow moving quarry HGV exiting the quarry across their path.

The WDPC insists that a worst case scenario approach be undertaken in every assessment of a proposed site so close to some many sensitive receptors and sensitive residential residents. In order to establish what required mitigations may be proposed to reduce the negative effects of the impacts of the mining on the residents, the WDPC considers that in every report prepared and presented in the EIA and cumulative impact assessments, the applicants should be using a 'worst case scenario' basis for their tests and proposed mitigations to ensure that the full extent of the harm to residents can be properly considered.

The WDPC considers that the proposals do not conform with many of the NPPF, LCC, LMWLP, SKDC, DEFRA policies and sustainability goals as outlined in this representation.

The WDPC considers that the harmful impact on the much loved and used PRoW which is a vital link between the villages of West Deeping and Market Deeping for over 40 years should be given much more consideration and much improved proposals need to be forthcoming.

If the proposal under consideration is to be advanced any further, then the WDPC would welcome a return to a more considered and respectful restoration proposal.

The WDPC considers that any benefits that may be derived from the proposed mineral extraction would not outweigh the harm that would be done to the quality of life of the residents of West Deeping, nor do we consider that the benefits would outweigh the harm that would be done to the listed heritage assets, nor do we consider that the benefit would outweigh the harm to landscape, rights of way, noise and health, ecology and rivers.

The WDPC further considers that the proposals do not comply with the policies of the Local Development Plan (LDP), the NPPF and LCC's own policies. The need for the mineral does not outweigh the amenity and well-being impacts. We remain highly concerned about the impact that this quarrying has had on the people of West Deeping and surrounding areas for an already very lengthy period of time and we are minded that to extend it any further is unacceptable.

The WDPC would like to further confirm our unanimous opposition to these proposed mineral extraction developments so close to the village of West Deeping. This proposed quarry does not conform with many LCC policies on mineral extraction and the applicants should be advised that we consider that in their current form these proposals should have no legitimacy in the planning framework. We further consider that the applicants should cease their pursuit of planning permission for the site immediately.