

WEST DEEPING PARISH COUNCIL

11 The Lane
West Deeping
Peterborough
PE6 9HS

Tel: 07979 906284

Clerk to the Council
Mr Ian Coles

4th March 2024

Dear Mr. McBride,

Re: **Scoping Decision EIA/15/23** -

(for the proposed new open-cast mine and industrial development immediately adjacent to the village of West Deeping, the West Deeping Conservation Area, and abutted by the Mill Stream of the Grade II listed Molecey Mill & The Granary on its entire southern boundary and abutted by the Grade II* Listed Molecey Mill & The Granary on its entire eastern boundary.)*

The West Deeping Parish Council has read Lincolnshire County Council's (LCC's) decision notice outlining their Scoping Opinion for the above proposed development and would like to make the following comments.

We appreciate that, as statutory consultees, our response was unusually long and comprehensive in assessing the points that we consider the applicant's submitted scoping report failed to consider fully or at all. **We therefore do very much appreciate the Mineral Planning Authority's (MPA's) consideration and inclusion of several of our important points.**

No Longer Allocated

We thank the MPA for their clarification to the applicant that due to the significant change in circumstances of the proposed application, that the site is **no longer considered as an allocated site**, and as such it will be assessed under the appropriate policies for such in any future planning applications.

Receptors

We further thank the MPA for their insistence that **much more consideration** is given by the applicant to the multitude of sensitive receptors and land uses close to or immediately adjacent to the site including but not limited to **the community of West Deeping and their houses, the West Deeping Conservation area, the Mill Stream of the River Welland, the listed heritage assets including Grade II* Molecey Mill and the Granary and the various businesses** which exist near to the proposed site.

We do remain concerned of the applicant's apparent disdain for the advice of the statutory consultees, especially Historic England with regards to the Cultural Heritage which abuts the site and its connection with the River Welland Mill Stream, and further to the Conservation Area of West Deeping with its many listed buildings. An appropriate balance needs to be considered which the scoping report clearly fails to address.

We especially welcome the insistence of the inclusion in the Environment Statement (EIA) of the impact of the proposed development on **Human Health, Socio Economics, the Landscape and Visual Impact, and on Ecology and Nature and on the Best and Most Versatile Agricultural Land.**

Screening and Mitigation Measures

We further thank the MPA for their insistence that the applicant includes full details on proposed boundary treatments and screening measures, bunds, proposed mitigation measures, and proposed phasing and restoration proposals.

We do however want to reiterate our point here that the proposals as laid out in the scoping report fail to consider or recognise previous advice by statutory consultees – the Environment Agency (EA), Historic England (HE), South Kesteven District Council (SKDC) and by LCC concerning **adequate stand-off distances and buffer zones** in and around the proposed site to protect sensitive receptors and mitigate against the considerable adverse impacts of the mining. These include the village of West Deeping and its inhabitants and homes, the Mill Stream of the River Welland and the listed heritage assets and businesses which surround and abut the site.

Indeed, areas which were previously identified by the EA and HE as appropriate stand-offs or buffer zones are now being proposed by the applicant as a the location for a 30-40 year new industrial plant site, or proposed for mining. We politely suggest that the Decision Notice outlining LCC's opinion should have presented this more strongly to the applicant. This is a site with Level 1 Absolute Constraints which the applicant is failing to recognise or to consider properly.

We further remain concerned by the MPA's reluctance to consider our concerns over stand-off distances and buffer zones put in place to protect us and mitigate against the harmful impacts of mining, which in recent applications have been eroded or changed. The protections once afforded by those tools can no longer be relied upon and we therefore question whether they can be used as effective mitigation tools? Recent history (PL/0129/22 and PL/0130/22) has taught us that future applications will be forthcoming to erode these and therefore can they be used in the first instance.

This becomes especially relevant when the applicant is proposing to ignore previous advice on the extent of the mining activities, and further when the applicant is proposing to site the industrial development and plant site next to the village.

Industrial Plant Site Location

We appreciate the inclusion within the decision notice of the need for much greater depth in the consideration and explanations of the proposed new industrial plant site location and consideration of the options to site it north of the A1175 where it would have much less impact on the many sensitive receptors.

However, we do remain concerned that not enough consideration is being given by the applicant as to their proposed industrial plant site location and the extensive long-term impacts that it would have on so many sensitive receptors by siting it where they are proposing. We remain very conscious of the applicant's stated and presented goal to apply for the proposed site SG11 as an extension to this proposed site and we consider that they could well be putting profits and future goals above proper consideration of the impacts on the community of West Deeping.

Noise, Dust and Light Limits

We are again grateful of the MPA's advice to the applicant that previously acceptable limits, in their existing open cast mines north of the A1175, of impacts of Noise, Dust, and Light should not be considered as acceptable or suitable in this proposed development so close to so many sensitive receptors.

Cumulative Impacts

As it is the applicant's stated goal that they will propose to mine SG11 as an extension to this proposed site, we remain greatly concerned of the MPA's refusal to admit or advise the applicant that the impacts and effects of every aspect of the proposed new open-cast mine and industrial development should be considered cumulatively with this in mind in a dedicated and specific Cumulative Impact Assessment.

It is, in effect, a 30 - 40 year, 127 hectare proposal.

With regards **cumulative impact**, policy states that consideration needs to be given to any "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."

We consider that the decision notice fails to adequately recognise the extent of the proposals or to advise the applicant sufficiently about how to accurately report the cumulative impact of their proposals.

Mr. Justice Burton, in his judgement in the 'Long Moor Judgement' gives guidance to the MPA that evidence underpinning any conclusions on cumulative effects must be provided by the MPA or the applicant for it to be considered a 'proper assessment'. Evidence based on conclusions which were simple value judgements, with no supporting reasons, is not sufficient. He further references impacts from projects which are 'likely to occur in the foreseeable future' and should be included in any thorough and correct cumulative impact assessment.

The Water Environment

We thank the MPA for their advice to the applicant in the decision notice to the special regard that needs to be paid to the water environment in and around the site and for the need for a full Hydrogeological and Hydrological Impact Assessment as part of the EIA.

We find it astonishing that the scoping report is unclear as to whether dewatering of the site would be required. The applicant must be aware of their plans in this regard as the water table is very close to the surface here.

The radius of influence of the dewatering (if proposed) is vitally important to assess, as the proximity to the Mill Stream of the River Welland of the proposed site could have devastating effects on the quality, flow and levels of this water course, which is so fundamental to the listing of the historic watermill. It is also important to assess the effects of this dewatering (if proposed) on the ecology and nature surrounding the site and further to assess it in cumulation with the previous dewatering north of the A1175.

There seems to be little explanation as to the dewatering (if proposed) and its extent or effects or process and we suggest that the applicant should be made aware of the importance of assessing the impacts of their proposals here. Cemex's radius of influence of the dewatering in their mine north of the A1175 extends to 499m, it is highly likely that much the same will be the case for this site.

Dewatering and the Plant Site

Further if the proposal by the applicants is to sink the industrial plant to a lower level under the water table due to landscape considerations, then dewatering of that part of the site would have to occur continuously. There is no consideration of this in the scoping report. Further if the proposed plant site and industrial development is located where the applicant proposes the radius of influence of the dewatering will affect nearly all of the houses in West Deeping with the likelihood of destabilising their foundations.

Transport

Finally, whilst we thank the MPA in their decision that an appropriate Transport Assessment is required, we remain seriously concerned about the safety of the proposed new access in the Scoping Report, and we reiterate that we consider that a **worst-case scenario approach** should be taken here and not a reliance upon an 85th percentile evaluation.

The WDPC would like to thank the MPA for their considered decision notice and for allowing the WDPC the opportunity to put forward their advice and concerns.

Yours sincerely,

Ian Coles
Parish Clerk
On behalf of the councillors of West Deeping Parish Council