



## Lincolnshire Minerals and Waste Local Plan

### Preferred approach consultation – have your say on the future of minerals and waste development

#### Consultation response form

Please use this form to respond to the consultation on our preferred approach to the Lincolnshire Minerals and Waste Local Plan.

The consultation runs from **Tuesday 30 July** until **5pm** on **Tuesday 24 September 2024**.

Electronic copies of this form and the associated consultation materials are available at [www.letstalk.lincolnshire.gov.uk](http://www.letstalk.lincolnshire.gov.uk).

Please make sure that you read the preferred approach consultation document before completing your response.

This form has two parts:

**Part A: Personal details** (you only need to complete this once).

**Part B: Your consultation response** (If you require more space than is allowed, please continue on a separate sheet and submit it alongside the form, relating it to the relevant chapter, policy, paragraph or site).

Response forms can be submitted online at [www.letstalk.lincolnshire.gov.uk](http://www.letstalk.lincolnshire.gov.uk). You can also email completed response forms to [mineralsandwaste@lincolnshire.gov.uk](mailto:mineralsandwaste@lincolnshire.gov.uk).

If you are unable to respond electronically, response forms can be posted to Minerals and Waste Policy Team, Planning Services, Lincolnshire County Council, County Offices, Newland, Lincoln, LN1 1YL.

If you would like to nominate a new or extended mineral site (sand and gravel aggregate and limestone aggregate), please complete and return a separate site response form (which can be downloaded from [www.letstalk.lincolnshire.gov.uk](http://www.letstalk.lincolnshire.gov.uk)).

Completed response forms must be submitted to us no later than **5pm on Tuesday 24 September 2024**.

Unfortunately, late representations cannot be accepted.

If you require the response form or the other consultation documents in an alternative format or have any questions about this consultation, please email us at [mineralsandwaste@lincolnshire.gov.uk](mailto:mineralsandwaste@lincolnshire.gov.uk) or call 01522 782070.

We look forward to receiving your feedback on this consultation.





**Lincolnshire County Council**  
**Lincolnshire Minerals and Waste**  
**Local Plan**

Preferred approach consultation

**Response form**

For office use only
Reference number:
Entered by:
Date received:

**PART A**

<p><b>Your details</b></p> <p>Title          Parish Clerk.....</p> <p>Name          Ian Coles.....</p> <p>Organisation (if relevant)          West Deeping Parish Council          .....</p> <p>Address          11 The Lane West          Deeping.....</p> <p>Peterborough.....</p> <p>Postcode PE6 9HS.....</p> <p>Tel:          07979          906284.....</p> <p>E-mail          wdparishclerk@gmail.com.....          .....</p>	<p><b>If you have been appointed by somebody to act as their representative, please provide their details below.</b></p> <p>Name .....</p> <p>Organisation .....</p> <p>Address .....</p> <p>.....</p> <p>Postcode .....</p> <p>Tel: .....</p> <p>E-mail .....</p>
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**How we will use your information**

We will only use the information you provide for the purposes of informing the preparation of the plan in line with relevant legislation<sup>1</sup>. We will only ask you to provide the minimum amount of information we need to do this. Please note that consultation responses received in relation to the plan and associated documents may be made publicly available. For this reason, we cannot accept anonymous or confidential responses. Your information is only shared where necessary and where the law allows it.

<sup>1</sup> Planning and Compulsory Purchase Act 2004 (as amended) and the Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended).

For further information on how we process your information and your rights, please read our privacy directory which can be accessed via our website at [www.lincolnshire.gov.uk/privacy](http://www.lincolnshire.gov.uk/privacy) or made available on request.

We will only keep your information for as long as is necessary, and in line with our retention schedules.

**Signature:**

**Date: 23<sup>rd</sup> September 2024**

Ian Coles

## **PART B**

In this section, please **indicate the specific paragraph numbers, policy or site allocation references, names, maps or tables** you are commenting on.

If you have already completed the form online, you do not need to send any duplicate responses.

Please write your comments in the boxes below (you can continue your comments on a separate page or piece of paper if necessary).

You do not need to answer all questions, and can pick topics or issues you are interested in.

**Question 1: Do you have any comments on the spatial portrait of the county? Are any changes needed? If so, please explain.**

**Question 2: Do you have any comments on the proposed vision of the plan? Are any changes needed? If so, please explain.**

**Question 3: Do you have any comments on the revised strategic objectives? Are any changes needed? If so, please explain.**

**Question 4: Do you have any comments on the proposed policies and supporting text? Are any changes needed? If so, please explain.**

**Question 5: Do you have any comments to make on the Interim Sustainability Appraisal Report of the plan? (a copy can be viewed at [www.letstalk.lincolnshire.gov.uk](http://www.letstalk.lincolnshire.gov.uk))? If so, please explain.**

**Question 6: Do you have any comments to make on the other supporting documents, including the Waste Needs Assessment, Site Assessment Report, Local Aggregates Assessment, Strategic Flood Risk Assessment and Habitat Regulations Assessment (copies can be viewed from [www.letstalk.lincolnshire.gov.uk](http://www.letstalk.lincolnshire.gov.uk))? If so, please explain.**

The West Deeping Parish Council puts forth its comments on the public consultation in respect of the proposed sites SG17 and SG11 in West Deeping.

We strongly contend that Lincolnshire County Council's site assessments are deficient in their lack of cumulative impact assessment and incorrect in their assessments on the severity of the impacts that the mining would have on the health, amenity and quality of life of the residents of West Deeping.

We further contend that both sites have been incorrectly assessed in respect of their Level 1 Constraints and should both have been excluded after the initial selection process.

We elaborate on these concerns below.

1. *It is our contention that LCC have incorrectly assessed SG17 for the following reasons –*
  - a. *LCC has not accurately taken the impacts on our health and wellbeing into account in the site assessment contrary to LCC policy DM1.*
    - i. *The placing of the plant anywhere on the south side of the A1175 in close proximity to the West Deeping community for over 40 years creates an unacceptable risk to life due to the severe impacts of the silica dust.*
    - ii. *The placing of the plant on the south side of the A1175 in close proximity to the community of West Deeping for over 40 years creates severe and unacceptable impacts on the health, quality of life and amenity of the community.*

*Lincolnshire County Council have a duty in law to protect the life and quality of life of the residents of Lincolnshire and their incorrect and incomplete assessment of the impacts of the mining on the residents goes to the heart of the soundness of the proposed plan as it is fundamental to the Local Plan's deliverability and compliance with the NPPF. The allocation must be withdrawn if the plan is to proceed to examination.*

*The WDPC further supports the arguments of the West Deeping Action Group who have raised strong and valid concerns in respect of site SG17. Specifically, these concerns cover the failure of Lincolnshire County Council to correctly assess the impacts of the mining and the positioning of the processing plant on the health, wellbeing and*

*amenity of the community of West Deeping. Their claims that this amounts to a gross dereliction of Duty and a serious breach of the Council's legal requirements in their duty of care towards the inhabitants of West Deeping are certainly with merit and worth investigating further.*

- b. The WDPC further support their observation that to place a site forward for allocation in the preferred approach document requires 'evidence of landowner consent' and yet, as Lincolnshire County Council is the landowner for a significant portion of SG17 there has been no evidence of landowner consent provided between Lincolnshire County Council and Breedon in respect of the future proposed mining of this land. This is contrary to LCC policy and therefore the inclusion of SG17 makes the plan unsound. Other alternative sites without landowner consent have been discounted.*
- c. The WDPC further support the Protect West Deeping Group and their submissions against the proposed mining. We further draw LCC's attention to the demonstrations and opposition to these proposals from the entire West Deeping Community for which Protect West Deeping has been the central voice for. The impacts on the physical and mental health of the community have been underestimated by LCC in their assessments in direct contrast to their policy DM1.*
- d. LCC has not satisfactorily assessed the cumulative impacts in the site assessment on the village and parish of West Deeping contrary to LCC Policy DM9 and as stated in section 17 of the NPPF.*
  - i. No cumulative impact assessment has ever been conducted regarding the extensive mining around the village of West Deeping which has been ongoing for over 70 years now and has left over 50% of the parish mined. This is contrary to the NPPF section 17 and LCC policy DM9. (See Freedom of Information Requests in Appendix E)*
  - ii. These future proposals to mine SG17 and SG11 would take this figure to over 75% of the parish having been mined and add further 40 years to the duration of the mining.*
  - iii. The cumulative impacts from the mining extend to policies DM1, DM2, DM3, DM4, DM5 DM6 and DM7 and all need accurate assessment cumulatively bearing in mind that SG17 and SG11 must both be considered as reasonably foreseeable if SG17 is allocated.*
  - iv. The Council is obliged by law to consider the cumulative effects of multiple impacts from both individual sites, and as is already the case in respect of West Deeping, the cumulative effects of a number of sites in the locality. The Council is further obliged to set out clear criteria in respect of both permitted and proposed operations to mitigate so that any impact does not reach the threshold of being unacceptable in respect of the natural and historic environment or human health.*
  - v. The Council seemingly wishes to bring forward the former plan of 2016, which was contained within two separate documents, in a manner that does not have regard to the law. Whilst the original NPPF of 2012 obligated the Council to consider a range of impacts, including cumulative impacts, there is no transparent understanding within the 2016 plan of how those considerations took place. In fact, Freedom of Information Act responses from the Council clearly state that no cumulative impact consideration in respect of any site at West Deeping has ever taken place.*
  - vi. The proposed plan has a different structure to many considered elsewhere, in that key policies that should determine site allocation and treatment, follow behind the policies which propose the allocation of sites. At SM1 it is proposed to allocate 'a replacement quarry at SG17'. Yet, this replacement quarry at SG17, or any other proposal in the West Deeping area, has not been subjected to an adequate transparent cumulative impact assessment as required by the NPPF and proposed Policy DM9. This again goes to the heart of the soundness of the proposed plan as it is fundamental to the Local Plan's deliverability and compliance with the NPPF. The allocation must be withdrawn if the plan is to proceed to examination as in its current form it is unlawful.*

- vii. *The WDPC further supports the responses of resident Martin Blackwell in his submissions on cumulative impact. Lincolnshire County Council is grossly deficient in its assessment of cumulative impact and this renders the current preferred approach document unsound with the inclusion of either SG17 or SG11. They should be removed if the plan is to proceed to examination.*
- e. *That the minerals and waste officers, by only focusing on the changes from MS29 to SG17 – i.e. the new road access and the introduction of the processing plant in their assessments, have failed to examine the full impacts of these changes in their site assessments.*
- i. *These impacts on the village and the community include severe negative impacts on our health and wellbeing, severe and negative impacts on our amenity, severe and negative impacts from the extended duration of the quarry, negative and permanent visual impacts, negative landscape impacts, severe permanent negative dust impacts, negative noise impacts, negative traffic impacts and severe and permanent negative mental health impacts contrary to policies DM1, DM2, DM3, DM4, DM6, DM7 and DM9*
- f. *The minerals and waste officers have not satisfactorily assessed the impact on the hydrology of the area contrary to LCC Policy DM3 and DM2. The Grade 2\* Molecey Mill is a watermill. It fundamentally relies on the water in the River Welland for its function and reason for listing.*
- i. *By proposing to open-cast mine to depths of 7-8m below ground level and 6-7m below the water table and to dewater the mine to achieve this through dry excavation will have a severe and permanent negative impact on the hydrology of the area.*
- ii. *To dewater such a vast area of land either side of a major river, the lifeblood of the Grade 2\* watermill, when the radius of influence determined in the latest hydrological assessment by Cemex for their site just 100m away is predicted at 499m, will permanently and severely negatively impact the flow and quality of the water in the river and permanently and severely negatively impact the function of the watermill. (See appendix F)*
- iii. *The ecology of this main river and its teeming wildlife will be severely negatively impacted by this extended and extensive dewatering*
- iv. *The mineral operator proposes to pump their mine effluent back into this important ecological habitat site and this will severely negatively impact its ecology and wildlife.*
- v. *We include under Appendix D the hydrology report commissioned by the owners of the Grade 2\* Molecey Mill which outlines the potential and probable impacts of the dewatering of these sites. The potential impacts would be so severe and unable to be mitigated and this is so fundamental to the delivery of the sites that the plan is to proceed to examination then these sites should be removed.*
- g. *The minerals and waste officers have not satisfactorily assessed the impact on the surrounding cultural heritage contrary to Policy DM4.*
- i. *The cumulative effect of the dewatering of the mining sites will severely and permanently impact the Grade 2\* watermill.*
- ii. *There will be severe negative cumulative landscape and visual impacts on the setting of the Grade 2\* watermill, the Grade 2\* Manor House, the Grade 2 Maxey Mill, the West Deeping Conservation area and the numerous listed buildings in West Deeping.*
- iii. *Historic England have raised fundamental concerns regarding the impact of the proposed allocation on the historic interest of the GII\* listed watermill, an irreplaceable resource as defined by the NPPF. LCC's Heritage Team have stated disagreement with this position, however the published assessment paper offers no clear basis for this dismissal. We believe this to be deficient and the authority not to*

*have properly executed the duty upon it to protect designated heritage assets, in this case one of national importance.*

*As identified by Historic England, the watercourse serving Molecey Mill is intrinsic to its historic interest as it features the only working example of Poncelot's approved design in Lincolnshire. Any change to the watercourse would jeopardise this and significantly diminish the special interest of the heritage asset and could not be mitigated. This being the case, NPPF policy dictates that planning permission would not be granted for future extraction.*

*LCC simply cannot state that the impact on the asset can be mitigated without absolute certainty that there will be no detrimental impact on the watercourse. It is not appropriate for this impact to be deferred for a later assessment as it is fundamental to the site's delivery. The site cannot be allocated for development without this certainty as it cannot be guaranteed that (regardless of allocation status) planning permission will be granted, and so extraction could proceed. This issue goes to the heart of the soundness of the proposed plan as, it is fundamental to the Local Plan's deliverability and compliance with the NPPF. The allocation must be withdrawn if the plan is to proceed to examination.*

- 2. The need for the mineral - LCC has identified provision for 25.075MT of sand and gravel for the plan period, far in excess of the identified shortfall of 21.35MT for the period. As site SG17 would provide only 1.8MT, there is no 'need' in terms of provision under LCC policies SM1 and SM2.*

*When one considers the small amount of mineral that the proposed mining of SG17 is predicted to generate in the context of how many significant constraints that the site has, it seems that the appropriate balance between the mineral extraction and the need for it here has been incorrectly assessed against the impacts that this site has on the community of West Deeping.*

- 3. **Level 1 Constraints.** Both sites SG17 and SG11 lie immediately adjacent to the listed heritage assets the Grade 2\* Molecey Mill & the Granary and therefore have Level 1 Constraints and should be discounted at the first assessment stage. Lincolnshire County Council's own words in their site development brief are "Site is immediately adjacent to Grade II\* Molecey's Mill and the Granary". To take them forward for consideration is contrary to LCC's site selection policy.*

*The term adjacent is not defined, however planning guidance suggests that it should be applied to reflect the context of the asset. The scope to impact a milepost is different to a watermill. Furthermore, the GII\* status of Molecey Mill should afford it some greater status in consideration than a (relatively) common GII building. This is discussed at length in the Heritage Impact Assessment commissioned by the owners of the Grade 2\* Molecey Mill and included here under Appendix A.*

*In LCC's proposed preferred plan, the West Deeping Parish Council is encouraged that the MPA has acknowledged the fundamental constraints of the SG11 site including its close proximity to a considerable number of sensitive heritage assets and is not proposing to carry this forward, however we do continue to contend that these constraints amount to Level 1 Constraints.*

*The further acknowledgement that the site does not benefit from separation nor screening from these assets is also the correct and proper approach and the WDPC welcomes and agrees with this. We look forward to the council maintaining this approach and we conclude as the land is not considered a suitable site for mineral extraction at this time, there can be no foreseeable way it could be in the future.*



*Further SG11 lies immediately adjacent to the Grade 2\* Manor House in West Deeping and to the Grade 2 Maxey Mill. The setting impacts on these cherished heritage assets will be significant.*

*When these impacts are combined and considered cumulatively with the hydrological impacts from the dewatering of the proposed mines on the River Welland Mill river, a major river which lies along the entire southern boundary of SG17 and the entire northern boundary of SG11 and forms the lifeblood of the listed watermill, the impacts on the listed buildings will be severe, permanent and highly significant.*

*It is our contention that both sites have been incorrectly assessed with regards to this and both should therefore be discounted at the first assessment stage.*

*It is our contention that SG17 ranks worse than many of the other sites and that it has only been progressed because it then allows SG11 (the much larger area south of the millstream) to proceed in the coming years as an extension. As a result LCC, by law, should be looking at the combined cumulative effects of both proposed sites together as SG11 is reasonably foreseeable if SG17 is permitted.*

- 4. 'Leaving the detailed assessment to the planning application stage' – it is incorrect procedure under the NPPF to leave such important considerations such as cumulative impact or impacts on quality of life and amenity until the planning application stage.*

The WDPC comments and elaborates further on all these points and other concerns in their extended consultation response which is attached and has been sent via email.

SG17 is a site that has been subject to many previous scoping requests and consultations and many comments from members of the public, statutory consultees have been made which remain as relevant to the site now as they did when they were made. We therefore submit a summary of these so that they are not overlooked in this consultation. These are summarised and explored further in our extended consultation response.

In summary – fundamental assessments have not been properly carried out for sites SG17 and SG11 and therefore the impacts of the open cast mining on our community have been incorrectly assessed. The plan as proposed is unsound due to its lack of compliance with the NPPF and its deliverability can be called into question. These allocations must be withdrawn if the plan is to proceed to examination.

**Question 7: Are there any other comments that you wish to make about this consultation, including whether other updates to the plan are needed?**

**Question 8: The Equality Act places a duty on organisations to consider how their policies and decisions will affect people with 'protected characteristics' (as listed below).**

- Age
- Sex (gender)
- Disability
- Marriage and civil partnership
- Race
- Religion or belief
- Sexual orientation
- Gender reassignment
- Pregnancy and maternity

**Do you have any comments on how updating the plan could have positive or negative impacts on people with a protected characteristic or on any other groups?**

**If you have identified any negative impacts, please tell us your suggestions on how these could be mitigated.**