
Documents submitted in response to Regulation 22 request

The documents recently submitted by Provectus Remediation Ltd in response to the Planning Inspectors request under Regulation 22 add nothing of substance to the application and Hilltop Action Group's previous objection stand.

Additional documents submitted by Provectus Remediation Ltd

(Revised LVIA and appendices, Greenhouse Gas Assessment and Non Technical Summary)

Provectus Remediation Ltd lodged their appeal with the Planning Inspectorate at the end of 2016 on the grounds that they considered that they had, by that time, provided all the necessary information to enable DCC, as the Mineral Planning Authority, to reach a decision on the application. The fact that the applicant has, nine months later, chosen to submit further documents indicates that their application was not in fact complete or ready for determination.

It would appear that this appeal has been lodged under false pretences.

Greenhouse Gas Assessment

This report is meaningless - as it states in the section *Purpose of the Greenhouse Gas Assessment*:

It does not provide any interpretation or evaluation of the significance of these emissions.

As the report's author readily admits most of the figures quoted are based on tenuous assumptions and extrapolations of historical data:

4.7.5 Data Limitations & Uncertainty

Due to the rounding of coal production to the nearest million tonnes, estimates of methane emissions from surface coal mining to the nearest kilotonnes, and rounding of the resultant emission factor to two decimal places, there is an approximate -5% / +14% uncertainty in the estimate of tonnes of CO₂e generated.

There is a 17.5% variation in the estimated emissions using the calculated emission factor when compared with the emission factor published by the Watt Committee (which result in 1,488 tCO₂e).

Provectus (Hunt, 2017) indicate that there is the potential for +/- 5% in coal production from the seams, which would introduce further variance.

There is a variation in the gas content of different coal types at different seam depths. Limited data regarding the gas content of the clay types expected at Hilltop Farm is available and an average gas content based on the method described in Section 4.7.3 is applied instead.

6.4.4 Data Limitations and Uncertainty

Actual emissions associated with the burning of coal depend on the individual properties of the coal being burned; figures provided by BEIS in the UK conversion factors are national averages and may not accurately reflect the gas content of the specific coal types at the seam depths expected at Hilltop Farm.

The final figures of “..total 0.574 MtCO₂e over the 3.5 year period of proposed activity, equating to 0.03% of the total carbon budget over that period.” tell us nothing.

These figures appear insignificant, but this is only to be expected from an insignificant amount of coal.

For these figures for Greenhouse Gas emissions to be of any use they need to be put into context.

- Greenhouse Gas emissions come from many sources; transport, industry, agriculture, etc. What are the estimated Hilltop emissions as a percentage of total emissions from energy generation and burning fossil fuels?
- How do the Hilltop Greenhouse Gas emissions compare to those from producing the same amount of energy from other sources - natural gas, nuclear, wind, tidal, solar, hydro-electric, shale gas, etc?

However, one thing is clear:

No opencast mining

⇒ **Coal stays safely in the ground**

⇒ **ZERO GREENHOUSE GAS EMISSIONS**

Revised Landscape and Visual Impact Assessment

The submission of this new LVIA is evidence that the applicant previous report had sought to minimise the visual impact of their proposals.

As this new report replaces the previous one it is surprising that it no longer includes any photo-montages of the perimeter bunds and overburden stockpiles. Also, the applicant has previously been instructed to include photographs taken from the centre of the site, looking outwards, to show the proximity and number of residential properties overlooking the the proposed workings. These images have still not been provided.

Appendix 4 Effects on viewpoints is probably the most significant revision to the LVIA. It gives a detailed narrative of the visual impacts at the various viewpoints around the site at each phase of the project.

Much of this is self-evident to anyone with local knowledge of the site and a grasp of the phases of the proposed development.

Great emphasis has been put on the movements and visibility of the heavy plant to be used in extracting the coal - this was not evident in earlier versions of the LVIA. The applicant obviously realises that this is a significant issue. Of course it is this heavy plant that will generate most of the noise and dust. If you can see it, you can most certainly hear it!

The applicants assessment of the *Magnitude of change* and *Significance of effect* are not those that would be given by the thousands of local residents who will be subjected to this visual (and auditory) intrusion as they try to go about their daily lives.

Revised Non Technical Summary 2017

The revised Non Technical Summary contains many erroneous statements and also omits some very salient points.

In the **Introduction & Background** :- *“the Appellant was recently involved in the successful completion of a surface mining scheme on the former Biwater Works site”*

In fact the Appellant was associated with the developer which left the site in such bad condition that Clay Cross Council and St Modwen had to “pick up the pieces”.

In **A Summary Description of the Development** :- *“Access to the site will be taken from the “Incomol” site...”* is open to dispute as there is no agreement with the owners of this land.

In Environment Impact Assessment

Noise:-

The statement that *“A detailed noise assessment has been carried out, which concludes that the proposed operations are likely to have a generally low significance upon local residents”* is very much disputed.

The noise assessment was questionable.

It should always be considered that this proposed development is closely surrounded by a very large number of dwellings and buildings housing many people sensitive to noise (and dust). The term “temporary operations” cannot be properly used as the community would suffer unacceptable noise levels over a period of at least 22 weeks.

From an anecdotal perspective if you can hear the trains on the railway 1.55km away, what will the coal machinery sound like at 180 metres?

Air Quality:-

The conclusion that “*both the dust impacts and potential risks to health of people living nearby is unlikely to be significant*” is disputed.

Experience of working opencast sites says THERE WILL BE DUST ISSUES.

In **Landscape and Visual Amenity**:- It is conceded in the assessment that people are likely to experience major-moderate visual effects.

There is no mention of the visual impact of security fencing surrounding the whole site. Indeed there is no mention of security fencing at all. With the site bounded by such a huge number of residential properties and earthwork bunds being an irresistible lure to BMX riding children (with a 30m hole on the other side), substantial security fencing is imperative.

There will be Major Adverse Landscape Impact from this development. Whilst this may be considered acceptable if reclaiming a bad site – this is not that and hence the impact should be considered unacceptable.

In **Water Environment** (including hydrology, hydrogeology):-

The conclusion states that “*there are no anticipated adverse significant hydrological or hydrogeological effects likely as a result of the proposed working and restoration programme.*”

This is highly questionable. Indeed Network Rail has asked on a number of occasions that further investigative work be done and reported as there seems to be considerable risk to the stability of Clay Cross Tunnel lining.

This has not been done by the applicant and is one of the major reasons why this application could not be determined.

In **Flood Risk**:- The summary states there are 2 watercourses on the site but in fact 3 are present. The third has never been inspected or adequately commented on.

In the FRA the outfall of the southwestern watercourse into Smithy Brook has never been inspected . With such a flawed FRA how can the conclusion that the proposal will not increase the flood risk be considered valid?

Under **Energy and the Need for Coal**:- It should be realised that the amount of coal concerned is such a tiny proportion of the national coal requirements that it does not justify the huge negative effects involved.

There is no mention of the reduction in green energy generation locally by the reduction in efficiency of solar panels by the covering of dust from the development.

In **Socio-Economic Issues**:- The stated 15 direct jobs is misleading as the majority of work will be done by workers already contracted to the haulage and earth working companies involved. Indeed the proposal will potentially jeopardise the re-development of Clay Cross and thus have very negative economic effects.

The “potential of a contribution” to a Multi Use Games Area and toddlers’ park is just a flaunted sop. It does not have the support of Clay Cross Council (which would be needed) who are currently developing a play area just 200m away in Kenning Park.

Conclusion

No amount of expert reports and mitigating measures can get away from the fact that the proposed Hilltop site for opencast mining is just too close to too many residential properties, schools, care homes and commercial properties. It would blight the lives of thousands of people who live, work and go to school within a few hundred metres of the proposed site. No other opencast mine in recent times has operated in such close proximity to such a densely populated area.

The extraction of such an insignificant amount of coal cannot be considered to be of strategic national importance. The site is not at risk of any other development in the foreseeable future as it is to be designated as an inter-settlement gap in the soon to be adopted Local Plan. The possible sterilisation of these coal resources is therefore not an issue.

Noise, dust and disturbance to the landscape will be the substantial negative effects and the development would bring no substantial benefits to outweigh these effects.

The National Planning Policy Framework clearly states in paragraph 149:

Permission should not be given for the extraction of coal unless the proposal is environmentally acceptable, or can be made so by planning conditions or obligations; or if not, it provides national, local or community benefits which clearly outweigh the likely impacts to justify the grant of planning permission.

The proposal must therefore be considered not to be compliant with the National Planning Policy Framework and planning permission should not be granted.
