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Stewart Provan & Joanne Bethell

Your Ref:

The Banks Group Ltd, Inkerman  
House  
St. Johns Road, Meadowfield  
Industrial Estate  
DURHAM  
DH7 8XL

Our Ref: APP/P2935/V/16/3158266

Date: 17 January 2017

**Sent by email:**

[stewart.provan@banksgroup.co.uk](mailto:stewart.provan@banksgroup.co.uk)  
[joanne.bethell@banksgroup.co.uk](mailto:joanne.bethell@banksgroup.co.uk)

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Dear Stewart Provan & Joanne Bethell

**TOWN AND COUNTRY PLANNING (ENVIRONMENTAL IMPACT ASSESSMENT) REGULATIONS 2011 ('THE EIA REGULATIONS')**

**Referral application from H J Banks & Company Ltd to the Secretary of State**

**Site Address: Highthorn, Widdrington, Northumberland, NE61 5EE**

We refer to the above application which commenced on 8 September 2016. The development proposed consists of a *proposed mineral extraction and auger mining scheme between the villages of Cresswell and Widdrington in Druridge Bay*. By virtue of Regulation 4 of the EIA Regulations the development proposed is EIA development. We note your letter to the Planning Inspectorate dated 16 January 2017 which proposes the voluntary submission of additional environmental information regarding greenhouse gas emissions and climate change impacts; ecology; and cumulative effects comprising:

- Greenhouse gas emissions arising directly from activities undertaken on the project site;
- Greenhouse gas emissions arising from the transport of coal extracted at the project site;
- Greenhouse gas emissions arising from the burning of the coal extracted from the project, to include an indicative comparison with emissions from coal obtained from reasonable alternative sources; and
  - The climate change impacts of the above; and
- Updated bat surveys;
- Updated cumulative effects assessment reflecting a change in the baseline schemes assessed.

The Secretary of State awaits submission of this information.

Additional to this, the content of the Environmental Statement (ES) accompanying the planning application that is the subject of the proposed development has been considered, having regard to Regulation 2(1) and Schedule 4 of the EIA Regulations.

Following examination of the ES, the Secretary of State notifies you by this letter, pursuant to Regulation 22 of the EIA Regulations, that, to comply with Schedule 4 of the EIA Regulations (Information for inclusion in environmental statements) the Applicant is required to supply the following further information:

**A description of the development comprising information on the site, design and size of the development:**

- The description of development states that utilities connections will be required but does not identify the location of the connections or assess the effects arising from this consequential development. The Applicant should provide more detailed information regarding connections, in particular any requirement for offsite connections and any effects that may arise from works to provide these or a justification for not incorporating this information within the ES.

**The data required to identify and assess the main effects which the development is likely to have on the environment:**

- Socio-economic effects: The assessment considers the loss of farm land in relation to the Agricultural Land Classification and the potential for loss of best and most versatile agricultural land. However, the Applicant has not provided any commentary or quantification of the impact of such land take on existing agricultural holdings. The Applicant should provide an assessment of the effect on agricultural holdings or a robust justification to explain why significant effects are unlikely to occur.
- The approach to the assessment of significance varies between chapters. This in itself is not a problem; however, in some chapters it is unclear what the predicted level of effects are (e.g. Volume 1 Chapter 16 hydrology). Certain topic chapters also make broad reference to 'acceptability' rather than an assessment of 'significance of the effect'. Whilst Volume 1 Chapter 26 "Development Control Toolkit" seeks to present the significant adverse effects of development and relevant mitigation, the chapter does not state what the predicted residual effect is following application of that mitigation and does not consistently draw out the significant effects from the topic chapters. Similarly Volume 1 Chapter 25 "Conclusions" does not fully reflect the significant effects identified at a topic chapter level or those presented in Volume 1 Chapter 26. To address these points the Applicant should provide an updated summary table (building on that presented in Chapter 26), in order to clearly present all of the predicted effects for each topic area both before and after application of mitigation. The table should also specify how the proposed mitigation relied upon for the assessment is or will be secured and what the residual significance of effect is.
- The works programme (Volume 1 sections 6.48 – 6.73) phasing headings appear to suggest an overall works duration of 14 years, whereas the topic based assessments refer to a seven year duration of activity. The approximate

durations do not appear to align with the phasing plan PA15. Please provide clarification and confirmation of the programme duration and an explanation of the apparent 14 year works duration. In the event that works are longer than the predicted 7 year duration used for the assessment, please provide an explanation to clarify how the ES parameters account for this and whether there would be any effect on the conclusions of the assessment.

- Volume 1 considers the potential longer term beneficial tourism effect arising from projects such as Restoration First and Discover Druridge for the local area. Please provide clarification to confirm how you have assessed the effect of the proposals on tourism during the initial phases of operational activity or explain why you consider that significant effects are unlikely to occur.
- Volume 2 Appendix 2 Conclusions states 'there are only three areas that experience significant cumulative visual effects..' and then goes on to state that 'Overall the cumulative effects of the development would not be significant and have been assessed as being acceptable'. It is unclear how this conclusion has been reached; please provide clarification/further justification to support this approach.
- In Volume 1 Chapter 19 Noise, the noise calculations assume extra noise abatement measures for larger ridged body dump trucks and mass excavators (paragraph 19.20). However, this commitment is not explicitly mentioned in the 'mitigation proposed in this noise chapter' inset box in the conclusions. The draft Environmental Management Plan (EMP) lists fitting large dump trucks with Banks designed acoustic insulation but does not mention acoustic insulation for excavators. Please clarify/confirm whether you intend to provide noise mitigation for excavators and an explanation how such measures would be secured. The cross referencing of all such commitments should be checked when updating the summary table as discussed above.

## Non-technical Summary

- A revised non-technical summary (NTS) incorporating all of the elements referred to above and incorporating the findings of any previous supplementary environmental information or any other information submissions.

We would draw your attention to court cases which have stressed the need for all the relevant environmental information in an ES to be comprehensive and easily accessible.

You can access Regulation 22 of the EIA Regulations at the following direct link: <http://www.legislation.gov.uk/uksi/2011/1824/regulation/22/made>

Although it is not a statutory requirement, in the interests of transparency and openness the Applicant may wish to publicise the availability of the further information in accordance with Regulations 22(3), 22(4) and 22(8) of the Regulations. Please can you advise the local planning authority if the further information is publicised.

We would be grateful if you could inform us, **within 2 weeks** of the date of this letter, how long you anticipate it will take to prepare this further information, so that an expected submission date can be identified. Please send your response for the

attention of the Environmental Services Team using the contact details at the head of this letter (either by email or post).

A copy of this letter has been sent to Northumberland County Council and the Rule 6 parties.

Yours sincerely,

*David Price*

**David Price**  
**EIA and Land Rights Manager**  
**(Signed with the authority of the Secretary of State)**

Cc: Joe Nugent (Northumberland County Council)  
Duncan Lawrence (Save Druridge)  
Naomi Luhde-Thompson (Friends of the Earth England, Wales and Northern Ireland)

*Where applicable, you can use the internet to submit documents, to see information and to check the progress of cases through the Planning Portal. The address of our search page is:*  
<https://acp.planninginspectorate.gov.uk/>