

Environmental Services  
Environmental Services  
Central Operations  
Temple Quay House  
2 The Square  
Bristol, BS1 6PN

Your Ref: APP/H0900/V/21/3271069  
Our Ref: MKH.WES121.30  
Doc No: 32525143v1  
Date: 18 August 2021

By email: [Environmentalservices@planninginspectorate.gov.uk](mailto:Environmentalservices@planninginspectorate.gov.uk)

cc. Mark Kirkbride and Kevin Murphy WCM; [developmentcontrol@cumbria.gov.uk](mailto:developmentcontrol@cumbria.gov.uk); [Paul.Haggin@cumbria.gov.uk](mailto:Paul.Haggin@cumbria.gov.uk);  
[Erin.shearer@cumbria.gov.uk](mailto:Erin.shearer@cumbria.gov.uk); [niall.toru@foe.co.uk](mailto:niall.toru@foe.co.uk); [mmcfeeley@richardbuxton.co.uk](mailto:mmcfeeley@richardbuxton.co.uk); Magnus Gallie <[magnus.gallie@foe.co.uk](mailto:magnus.gallie@foe.co.uk)>  
Humphrey, Elizabeth <[ELIZABETH.HUMPHREY@planninginspectorate.gov.uk](mailto:ELIZABETH.HUMPHREY@planninginspectorate.gov.uk)>

Dear Sirs

**TOWN AND COUNTRY PLANNING (ENVIRONMENTAL IMPACT ASSESSMENT)  
REGULATIONS 2017 ('THE 2017 EIA REGULATIONS')**  
**Application by: West Cumbria Mining Ltd**  
**Site Address: Former Marchon Site, Kells, Whitehaven**

We write further to our letter of 16 July and subsequent correspondence dated 28 July 2021 in which we enclose an extract of the Regulation 22 response to be issued by West Cumbria Mining Limited (WCM) together with enclosures marked "Attachment D" and "Attachment E". As explained, the full response will be available at the beginning of September when it will be issued and advertised for formal consultation. This response deals with the seventh bullet point from the Inspector's letter.

*"An updated Phase 1 habitat survey completed in March 2020 (provided with the ES Addendum in April 2020) explained that a small reptile population had now been confirmed in the north of the Main Mine Site and that "robust mitigation measures" would be implemented, to ensure this population is safeguarded during the construction phase of the development. A description of the measures envisaged to prevent, reduce or offset any significant adverse effects on reptiles should be provided, along with an updated description of likely significant effects"*

In the interests of transparency and co-operation WCM have voluntarily issued this early response to assist the Inspector and so as not to unnecessarily delay the Inquiry. The Council and Rule 6 parties are duly notified of this information by way of copy.

Yours faithfully



Ward Hadaway LLP

(enclosures)

+44 (0) 330 137 3532  
[kamran.hyder@wardhadaway.com](mailto:kamran.hyder@wardhadaway.com)

## 7. Reg 22 – Ecology

### 7.1 Introduction – Reg 22 Requirement

An updated Phase 1 habitat survey completed in March 2020 (provided with the ES Addendum in April 2020) explained that a small reptile population had now been confirmed in the north of the Main Mine Site and that “robust mitigation measures” would be implemented, to ensure this population is safeguarded during the construction phase of the development. A description of the measures envisaged to prevent, reduce or offset any significant adverse effects on reptiles should be provided, along with an updated description of likely significant effects.

### 7.2 2021 Reptile Surveys and Results: summary

Reptile surveys were repeated in 2021 to ensure that the most up-to-date data is used to inform the mitigation strategy for reptiles.

eDNA techniques were used for water samples in the ponds at the Marchon site, Main Band Colliery site and Wood End, and the use of reptile tiles on the Marchon site and the Main Band Colliery site.

Desk studies were also undertaken, including requests made to the Cumbria Biological Records Centre (in May 2021), a search for ponds within 500m of the site (in accordance with government guidance on great crested newt surveys and mitigation for development projects <https://www.gov.uk/guidance/great-crested-newts-surveys-and-mitigation-for-development-projects> ), and a search made of ecological data submitted in support of other recent planning applications within a 2km search area.

Full information on all ecological surveys undertaken are provided in BSG Ecology (2021) *Cumbria Metallurgical Coal Project: Ecology Survey Update Report*, August 2021, see Attachment E Part 1.

**Great Crested Newt** – all eDNA samples for ponds returned negative results, suggesting that this species is likely to be absent from all ponds surveyed.

**Slow Worm** - Main Mine site: a small population of slow worm is present on the Main Mine Site.

**Common Lizard** - a small population of Common Lizard is present on the Main Mine site. A single adult Common Lizard was found on the Main Band Colliery site in 2021.

No other reptile species were recorded during the survey work.

### 7.4 Reptile Mitigation

Based on the results of the reptile survey works, BSG Ecology have produced a Method Statement (see Attachment D) which sets out a description of the measures envisaged to prevent, reduce or offset any significant adverse effects on reptiles, along with an updated description of likely significant effects.