

**PLANNING APPLICATION (REF 09/00349/FUL)  
BY SCOTTISH COAL CO LTD.**

**at**

**AIRFIELD FARM, COUSLAND**

**EXTRACTION OF COAL BY SURFACE MINING METHODS, FORMATION OF NEW  
ACCESS TO A6093 AND RESTORATION TO AGRICULTURE**

**OBJECTION BY  
COMMUNITIES AGAINST AIRFIELD OPENCAST  
(CAAOC)**



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## Foreword

This Objection is submitted on behalf of Communities Against Airfield Open Cast (CAAOC). CAAOC was set up as a result of the public consultation process held by Scottish Coal in Cousland Village Hall (29/07/08) and the subsequent Public Meeting at the same venue (28/08/08).

CAAOC represents all communities affected by the application. This comprises not only the villages of Cousland and Ormiston but associated settlements and individual dwellings. The opinions expressed by CAAOC therefore represent, through a lengthy process of consultation, the views and opinions of local residents and businesses in a number of communities. Planning policy within SPP16 and the Local Development Plan require the impact of the open cast proposal on the local community to be taken into account when determining this application. Although it gives no clear definition of “community” it is evident that any definition is not confined by physical village boundaries but extends to all settlements and clusters. This is recognised by both Midlothian Council and Tynewater Community Council in its delineation of the Cousland Community, as illustrated below.

This objection therefore is a synthesis of the views submitted to CAAOC by residents of Cousland and Ormiston communities. It represents and articulates an overwhelming rejection of the application by Scottish Coal to extract, over six and a half years, two million tons of coal from the land around Airfield farm. This consensus has expressed itself through public meetings, independent surveys, letters and emails and contacts with Scottish Coal, media and local and national politicians. CAAOC now wishes Midlothian Council to take into consideration this objection in determining the Planning Application. We would also request that CAAOC, through its Chairperson Dougie McKenzie, be kept informed at all stages.

The application is extremely close to the village of Cousland (and its linked settlements) and also Ormiston in East Lothian which is just over one kilometre down wind of the proposed site. There are a significant number of dwelling houses, sensitive businesses and notable heritage features all of which have the potential to suffer grievously. As well as the massive visual intrusion there will be irreparable damage to a picturesque and much valued landscape. Prime agricultural land will disappear. In addition there are deep concerns over the health risk posed by coal dust and other airborne pollution which have the potential to endanger the well being of communities in Midlothian, and villages such as Ormiston in the surrounding parts of East Lothian.

Of particular local concern are the effects of blasting on the remains of underground lime workings. These pose a serious risk of land subsidence and risk to life. In addition there will be the disruption arising from noise and HGV traffic movements the latter exacerbated by the cumulative impact of a number of other nearby proposals presently the subject of planning permission by East Lothian Council.

This application, if approved, threatens to change the communities affected beyond recognition and to introduce direct risks to personal health and safety and businesses as well as immeasurable damage to a cherished environment. A poll of all residents in Cousland Village conducted by Tynewater Community Council recorded a resounding rejection of 95% to Scottish Coal's application. Similarly over 91% of Ormiston residents expressed their opposition. The view of residents affected, supported by a considerable body of personal objection letters, could not be clearer. We urge that planning permission be refused accordingly.

The detailed opposition outlined in this submission falls under two general headings. First there are clear grounds to dismiss this proposal on matters of principle and procedure relating to non-conformity with the Development Plan. As a consequence policy states there should be a presumption against development. Second there will be unacceptable, detrimental environmental and economic impacts with no reliable assurances offered by Scottish Coal that these impacts can be in any way managed or constrained. Not only will there be no benefits to the local economy but our analysis will show there will be serious disbenefits.

The fact that Scottish Coal has had three years and an army of highly paid experts to produce its Environmental Statement while CAAOC, made up of residents devoting their evenings and their own considerably more modest financial resources, has only a few weeks to respond, underlines the fundamental unfairness of the planning process. Despite this we have already been able to identify fundamental weaknesses in many aspects of the Environmental Statement. We are also consulting experts in a number of areas and will be submitting further detailed analysis on the more technical aspects of the Environmental Statement in due course.

Scottish Coal have reached conclusions and made generalisations which do not reflect the data and research presented. Despite the considerable volume of the Environmental Statement we feel that it is tendentious and intellectually flimsy and betrays a dismissiveness bordering on contempt towards some serious environmental concerns. A growing body of evidence arising from the experience of other communities close to Scottish Coal opencast workings in Scotland points to disturbing environmental and social impacts. As a consequence the prospect of Scottish Coal's presence in our communities is being viewed with considerable alarm, if not panic.

Once planning permission has been granted and the destruction commenced it is too late to go back. It is therefore vital that that the Council uses its powers and resources to fully interrogate the Scottish Coal proposals. Planning policy at all levels imposes a duty of care on the promoter of open cast mining to demonstrate acceptability. It is not for residents or the Council to prove the contrary. Where doubt remains it is incumbent on the Council to apply the "precautionary principle" and to refuse planning permission.

CAAOC and the residents of Cousland and surrounding communities are not anti-development. We understand the importance of jobs and investment in sustaining the economic and social life of rural communities. However there are no environmental or economic benefits to be gained from this application either for the communities most closely concerned or for Midlothian as a whole. The only beneficiaries will be landed and corporate interests.

Midlothian already has a reputation as a “coal friendly” authority which does little for our environmental credentials or our tourist industry. As active and concerned citizens we rely on our officers and councillors to defend the interests of the communities they are elected to represent. In this sense you are custodians of our families, our communities, our businesses and our environment. We look forward to you dealing with this issue in a manner which confirms our faith in local government and local democracy.

Yours truly,

Douglas A McKenzie  
Chair CAAOC

28th September 2009

## **PROPOSED OPENCAST COAL EXTRACTION AT AIRFIELD FARM, COUSLAND**

### **SUMMARY OF OBJECTION BY COMMUNITIES AGAINST AIRFIELD OPENCAST (CAAOC)**

The following points comprise a summary of the CAAOC objection against the proposal by Scottish Coal.

They are divided into two categories to reflect our view that planning permission should be refused firstly, as being contrary to planning policy principles and secondly, due to unacceptable detrimental impact in respect of several environmental and economic criteria. CAAOC will make further comment on some of these categories in subsequent submissions to the Council as further information comes to hand.

### **1. PRINCIPLES OF DEVELOPMENT**

The 1997 Planning Act states that *“the determination (of a planning application) shall be made in accordance with the development plan unless material considerations indicate otherwise”*. The development plan comprises the Edinburgh and the Lothians Structure Plan (approved 2004) and the Midlothian Local Plan (adopted 2008).

CAAOC considers the proposal is fundamentally contrary to various policy principles and strongly rejects statements made by Scottish Coal (particularly in respect of Policy MIN1 and supporting text of the local plan) which incorrectly interpret the development plan in its favour. Appropriate weight should be given to the statutory importance of the text of the plan before considering any material considerations.

#### **Contrary to the Development Plan – Airfield is Not an “Area of Search”**

- ***Edinburgh and Lothians Structure Plan - Policy ENV10*** identifies a “Broad Area of Search” for opencast working in the area “East of Dalkeith”. However Airfield is well outside that area, extraction from which has already been satisfied by the site at Oxenfoord West. Policy ENV10 states a presumption against development in these circumstances.
- ***Midlothian Local Plan - Policy MIN1*** identifies four locations as “Areas of Search” for opencast coal in Midlothian but Airfield is not included. Scottish Coal accepts in its Planning Statement (2nd para p27) that *“the proposal does not lie within an Area of Search”*. The policy states *“Outwith the areas of current working and Areas of Search, there is a presumption against surface mineral extraction.”*
- ***Midlothian Local Plan - Paragraph 3.9.14*** provides only for consideration of Airfield as a possible Area of Search by a future formal review of the local plan. It provides no legitimacy in any circumstances for this process to be replaced by a planning application. Planning permission should be refused as contrary to the development plan and “premature” to a future policy review.

- Scottish Coal relies on a section of the text in this paragraph for Airfield to assume status as an Area of Search within the terms of policy MIN1 without a local plan review. CAAOC considers this is an inaccurate and inappropriate interpretation of the local plan. However CAAOC also wishes to record its objection to the manner by which that section of text was introduced by the Council as a late amendment to the local plan shortly before the local plan inquiry. In particular the community did not receive the appropriate formal notification of this amendment.

### **Contrary to Local Plan - Criteria in Paragraph 3.9.14 Not Satisfied**

- The proposal fails to satisfy the three criteria set by Paragraph 3.9.14 which are pre-requisites for consideration of Airfield as an Area of Search in a future local plan review:

**i) No proof that coal extraction at Stobs/Mountskip is uneconomic –**

Scottish Coal has produced insufficient evidence to prove that recovery of coal from Stobs/Mountskip is uneconomic. This is not accepted and the Council must ensure it is tested by independent expert advice, including statements made regarding the amount and quality of coal available.

Scottish Coal state viability is further compromised by the reduction in the workable site area caused by the 500 metre exclusion from a housing site presently under construction on the edge of Gorebridge. However that housing site was identified for development in the Midlothian Local Plan adopted in 2003. Its implications would therefore have been evident when the Stobs/Mountskip opencast site was promoted by Scottish Coal in 2004 and included by the Council in its Preferred Development Strategy.

Viability of Stobs/Mountskip was not in question when the company subsequently welcomed its inclusion as an Area of Search in 2006 and confirmed that *“it contains a reserve of coal which could make a meaningful contribution to the supply of coal within the plan period”*. There was subsequently a considerable period of time to initiate works at Stobs/Mountskip before the housing development commenced in summer 2008.

CAAOC believe that Scottish Coal has a simple preference to gain early access to the larger coal reserve at Airfield, regardless of the viability of Stobs/Mountskip, and are seeking to manipulate the planning process to this effect. Alternatively, one can only conclude that Scottish Coal must have been incompetent in properly researching the potential at Stobs/Mountskip which they supported enthusiastically until recently. This calls into question their judgement and assertions throughout their planning submission.

It is not accepted that any loss of viability at Stobs/Mountskip from implementation of the adjacent housing development is acceptable justification for approval of opencast at another location when the implications of that housing development were apparent in 2003.

ii) **Site area not reduced** - the local plan requires a reduced site area at Airfield to that initially identified by Scottish Coal. This is due to the significant impact on the sensitive landscape, which had been investigated by the Council during preparation of the local plan.

However the Scottish Coal application continues to propose the same larger site area and should be refused on this basis. The landscape and visual impact assessment submitted by Scottish Coal accepts that *“the loss of hedgerows and trees in the north part of the site will be conspicuous”* and does not justify an alternative conclusion.

iii) **Road access safety hazard** – The A68 Dalkeith Bypass has now been opened. However there are severe and unresolved design problems at the Fordel junction notably on the north-bound slip road such that the large number of coal-laden HGVs accessing the trunk road would present a hazard to traffic safety.

Safety of the junction, and that of local roads, will be compromised by the proposal. This will be exacerbated by the cumulative transport impact of two other proposals nearby at Chalkieside and Smeaton Bing, both presently the subject of planning applications. Risks to traffic safety from HGVs routed along narrow and steep country roads have not been addressed by Scottish Coal.

### **Contrary to SPP16 Policy Principles**

- **Environmental justice** - In SPP16 the Scottish Government confirms *“a high-level political commitment to environmental justice in Scotland..... which commits Scottish Ministers to delivering sustainable development, putting environmental concerns at the heart of public policy and securing environmental justice for all of Scotland’s communities.”*

Grant of planning permission would fail to satisfy all these commitments.

- **Presumption against opencast** - The commitment to environmental justice includes a presumption against opencast coal working as a starting point in considering any proposal unless various criteria are satisfied. These include tests of environmental acceptability, community benefit and separation from communities. CAAOC considers none of these criteria are satisfied by the Scottish Coal proposal.

### **Site Boundary within 500 metres of Community**

- Several residents live within 500 metres of the site boundary. There is a policy presumption against opencasting within this distance from a community and



there has been no justification to merit relaxing this. The proposal is contrary to Policy RP18 of the Local Plan and SPP16.

- Approval of opencast whose site boundary is within 500 metres of an existing community or a sensitive establishment requires prior **Notification to Scottish Ministers under terms of Circular 3/2009**. Other matters which are in the national interest include cumulative effect, the need for coal and cross boundary issues (Midlothian and East Lothian).

The proposal is contrary to the development plan and SPP policy in respect of all the above. CAAOC consider this constitutes a significant “in principle” case against the proposal which merits refusal of planning permission, particularly given the weight afforded to the presumption against opencast development by all levels of policy, and in the interests of environmental justice. The Council should give similar weight to this position when turning to consider matters of detail as set out below.

## **2. TESTS OF ENVIRONMENTAL ACCEPTABILITY AND ECONOMIC BENEFIT**

In considering detailed matters, SPP16 (para 8) places a presumption against opencast development unless:

- i) the proposal is environmentally acceptable (or can be made so by condition), or*
- ii) local or community benefits are provided which clearly outweigh the impacts*

There are a number of factors relevant to these criteria on which C.A.A.O.C.'s consideration is set out below.

It is concluded the proposal fails to meet the criteria set out in relevant policies and refusal of planning permission for this damaging proposal is justified.

## **Ground Stability & Safety**

The residents of Cousland are acutely aware of the issues arising from the presence of vast limestone workings beneath and surrounding the village. These workings pose significant risks in addition to the coal mining activities which took place below Airfield and Cousland. Some of the limeworkings dating from the 20<sup>th</sup> century are recorded in abandonment plans held on public record. Midlothian Council should pay very close attention to the following points of objection:-

### **History**

- In the early 1500's documentary reference is made to 'the lyme men of Cousland' supplying skills and lime for the Flodden Wall and Edinburgh Castle. The lime has therefore been dug for well over 450 years and it is not feasible that accurate plans exist for the abandonment of these. Some plans clearly indicate that the full extent of flooded workings has not been surveyed.
- Early stoop and room limeworkings had a somewhat haphazard distribution of pillars. A substantial proportion of the mineral was locked up in the pillars and was often removed or 'robbed' on retreat thus reducing the original stability of the roof. The older stoop and room mines generally lacked any structural consideration beyond the lifespan of the workings themselves therefore the likelihood of subsidence over time is greater.

### **Structural Stability**

- The effects on the surface depend on the depth and geometry of the workings and the strength and integrity of both the pillars and the surrounding and overlying strata. At shallow depths, the collapse of pillars may cause severe localised ground disturbance in the form of intense trough subsidence or total collapse of the surface into crown holes. Disturbance by surface loadings, vibrations or changes in the groundwater regime may, however, promote collapse.
- Recent adjustment of water courses to accommodate the development of the Ashgrove stables gallop are considered responsible for the appearance of the large hole in the village football field in 2008. Subsequently, eye witness accounts of other holes appearing around the landscape have been reported.
- The introduction of vibration from heavy plant together with repetitive blasting in an open cast operation therefore pose a serious threat to lives and property in the vicinity of Cousland. Given the lack of detail which exists

on the abandoned limeworkings, it will be nigh on impossible to predict the resulting effects upon ground stability caused by such vibration.

- Any reasonable analysis could only conclude that the risk of collapse of the evidently fragile underground workings will only increase as a result of the open cast activities.
- **Professor J. Godfrey Fitton** BSc, PhD (Dunelm), FRSE, Professor of Igneous Petrology; University of Edinburgh has commented as follows with regard to the Cousland limeworkings:-

*“Unstable mine workings beneath the area will most certainly be affected in unpredictable ways by blasting. Raising the spectre of large parts of the village disappearing down a big hole would not be unreasonable exaggeration. “*

- We therefore have major concerns about the stability of the ground and take no comfort from the bland reassurances of Scottish Coal that the effects will be 'mitigated' if these concerns are found to be true.

### **Mortgage Refusals**

- The existence of limestone stoop and room workings below and surrounding substantial areas of Cousland village has resulted in the refusal of mortgages on houses due to the risk perceived by lenders. This perception is understandable and can only be exacerbated by the presence of the proposed open cast mine at Airfield

### **Liability**

- Midlothian Council and the planning committee must therefore satisfy themselves that sufficient due diligence has been carried out to ensure that they have fulfilled their duty of care obligations in their capacity as the decision making planning authority relating to this application.
- We believe that appropriate independent expert advice should be taken as to the exact location and extent of the historic limestone workings, the level of risk and potential impact on the surrounding communities which might be reasonably foreseeable as a result of the proposed open cast mining operations and associated activities. This should be made publicly available in order that the conclusions may be considered by insurers and lenders where necessary.
- Furthermore before granting planning consent, Midlothian Council must ensure that In the event of any damage to properties, injury or potentially death occurring, the financial resources exist within Scottish Coal to pay for

any remediation and compensation. The insolvency of Scottish Coal would pose an obstacle for Midlothian Council or any other pursuer in any attempt to recover such costs therefore the Council must ensure that Scottish Coal have demonstrable financial capability to meet such claims, in addition to the substantial bond which will be required for site restoration obligations.

## **Impact on Local Economy**

The “provision of local or community benefits” is of particular importance because, as required by SPP16, if the proposal is not found to be environmentally acceptable, there will be a presumption against planning permission unless there are local or community benefits which clearly outweigh the likely impacts. The only benefit put forward by Scottish Coal in its ES is job creation and associated spin off benefits in the local economy. The local community is particularly concerned that any opencast jobs will not be available to local people and there will be no spin off economic benefits locally. Furthermore there will be actual disbenefits locally caused by detriment both to existing businesses and the tourism industry in the locality.

### **Disbenefits to Local Economy**

- Scottish Coal was initially reported to be ‘creating’ 50 jobs at the site. However they have publicly admitted that they would not be new jobs but transfers from other sites and the application documents simply refer to there being 50 direct, full time jobs on site. Indeed the specialist nature of the jobs suggests they would carry over from previous opencast sites and would not be available to local people. This notion is supported by the recent application for an extension to Shewington opencast which received several letters of support from those already employed on the adjacent site.
- In any event, these are relatively short term jobs and low in the provision of long term, sustainable skills. Scottish Coal’s employment figures in other mines have, time after time, fallen far short of those originally promised.
- Scottish Coal also claim that 45 additional “indirect” jobs in various support services, and a further 20 “induced” jobs in trades receiving expenditure from those employed, will be created. There has been suggestion this would include the pubs and a hotel in Ormiston and a petrol station at Tranent. However the application does not specify how these 65 jobs are to be created, or where. It seems the figures have been created by applying standard multipliers to the anticipated figure of 50 on-site jobs. This demonstrates the hypothetical nature of this estimate and that the figures are not proven. The only benefit by way of monetary profits will be to Scottish Coal's owners and landowners.
- Scottish Coal identified 38 businesses in an area stretching east to Tranent and Ormiston, north to Carberry and south to Oxenfoord. It concluded there is no significant risk of job losses, allowing for the proposed environmental mitigation measures. However their research was grossly deficient. Some of those businesses no longer exist. There are over 20 additional businesses in Cousland alone, including some within the 500 metre threshold, one of which is a catering business.

Furthermore there are at least another 40 within a 2km radius which were excluded. A number of these are sensitive receptors requiring clean air and quiet surroundings.

- Much of the data in the ES that has been presented is well out of date (over 3 years old in some cases) and not representative of the current economic situation. The fact Scottish Coal has failed to use correct and adequate data on such an important matter calls into question the credibility of the rest of their analysis.

Before the Council comes to determine the application, all of the above should be revisited by an independent economic advisor.

- Local jobs would be lost forever if local businesses have a turndown due to the siting and operation of the mine. These include a number of equestrian centres which will find it difficult, if not impossible, to function with the noise, pollution and disruption of an open cast mine. One example would be Cousland Park Stables which employs 8 staff permanently and generates business on which several local suppliers rely for feed, etc. It is conceivable that the number of local jobs under threat would exceed those ultimately employed by Scottish Coal.
- This development will frighten off more long term and sustainable developments. This may include the proposal to create a high end, tourist orientated retail centre at Fordel Junction, promising 100 jobs initially and the potential to links with tourism and training from local schools and colleges, presently at the pre-planning stage.
- From any objective viewpoint, we are certain to experience a fall in residential property values dependent upon the location of individual properties relative to the open cast mine. This drop in value is likely to be in the range of 5 - 30%. In parts of England it is suggested that higher value properties have fallen by as much as 40%. Price falls of this magnitude should not be inflicted upon a community, particularly following the price falls we have see during the recession of 15 – 20% on average. Property owners have reluctantly accepted falls in the value of their properties over the past 2 years, but further localised falls due to open cast mining will no doubt precipitate negative equity situations and financial hardship due to higher loan to value ratios. Those who are forced to move house for personal or job mobility reasons will crystallize a loss of equity, while others could conceivably face sequestration due to mortgage difficulties. This is NOT a positive economic outcome.

Residents are also concerned at the impact on tourism both in Midlothian and East Lothian to which this area is a “gateway”.

- A number of people visit the area for leisure pursuits including horse riding, walking, cycling, etc.
- The area is culturally important including Cousland Castle which is attracting increasing interest as archaeologists discover more and more important information and the Cousland Smiddy which attracts hundreds of visitors each year.
- The proposal is contrary to **Midlothian Council’s Tourism Action Plan** which states that:

*'A major asset of Midlothian is its attractive countryside setting' and ' The quality countryside environment is the fundamental asset of the rural area. 'Future economic development must protect and build on the core assets that are a part of Midlothian's reputation and community.'*

and that it will:

*'Manage and promote the assets of Midlothian particularly the natural environment, along with the advantages offered by neighbouring areas, as a reason to visit, live in or locate a business.'*

Residents have taken the opinion of David Crichton, currently an advisor to the US and UK Governments on international development and a former Chief Executive of Scottish Enterprise Edinburgh and Lothian and Director of the Economist Intelligence Unit in London. He has considerable experience of economic analysis and project appraisal and is generally a supporter of economic development. However in this case he has raised several concerns about the effect of the opencast proposal on various facets of the local economy, including those above, and he has personally objected to the application. In summary he considers Scottish Coal’s analysis is inadequate and serious concerns remain that there will be a negative economic impact on local business around the proposed open cast, with noise, dust and blasting having a profound negative impact on jobs and income for local people.

### **Inadequate Economic Impact Analysis**

David Crichton is also concerned about the economic impact analysis being used by Scottish Coal to support its proposed open cast coal mining development near Cousland. He considers :

*“the economic case presented in Section 14 of Scottish Coal’s Environmental Impact Analysis (EIA) fails to cover either the quantity or quality of analysis required to make the case for a large development of this nature, especially one with such important environmental implications. The case made is very superficial, is based on limited and inaccurate data and makes entirely subjective assertions concerning the project’s impact.”*



**Specific shortcomings include:**

- *The lack of any information on the breakdown of jobs to be provided at the site, in terms of skill levels, income and longevity.* This makes it impossible to assess the direct and induced impacts of the development and impossible to determine whether any of the jobs created will benefit the local workforce.
- *The lack of any detail on the goods and services to be purchased during the development and operation of the site.* This means that there is no basis on which to measure the indirect and induced impacts of the development, or to assess the likely benefits to local suppliers.
- *The lack of any original survey information on local businesses.* This would be necessary to determine the potential positive and negative impacts on local enterprises and in its absence the authors make only subjective assessments of business-level impacts.
- *The lack of any consideration of the possible displacement or crowding out effects of the development.* There is therefore no means of determining whether existing suppliers of coal in the region will lose market share and employment, or whether other local businesses will experience labour supply or cost problems.

The prevalence of this kind of dirty, old fashioned industry in Midlothian makes it unattractive as a destination for modern, long term sustainable development. It does nothing for Midlothian's, tourism or green credentials.

Scottish Coal fails to make the case for there being sufficient economic gains from the project to compensate for its environmental costs. The application should therefore be refused unless or until a credible case is provided.

## **Health Impacts**

The communities of Midlothian and East Lothian have severe concerns regarding the negative health impacts of this application. The following points of objection are based upon a variety of alarming scientific evidence and statistical research (mostly peer reviewed) carried out around the world in relation to the effects of open cast mining.

- While we acknowledge the references to the Newcastle study in SPP16, we fail to see how the abundance of independent research carried out around the world since the time of the Newcastle study can now be ignored, particularly in relation to those aspects which the Newcastle study failed to fully scrutinise (it is recognised that there were a number of shortcomings, particularly in relation to particulate size analysis and control statistics).
- We are concerned about the impact upon our own health and that of our children, elderly and those susceptible to ill health. We are particularly concerned that the majority of airborne dust will be carried by the prevailing winds into East Lothian and towards the village of Ormiston barely 1km to the North East. We therefore trust that Midlothian Council is fully aware of its legal obligations to communities both within and outwith the local authority boundary.
- Studies performed in the United States comparing the health of people living in proximity to open-cast coal mines with elsewhere, have demonstrated higher rates of cardiopulmonary disease, chronic obstructive pulmonary disease, hypertension, lung disease, and kidney disease, even after correcting for the effects of covariates such as smoking and poverty. Other comparative studies in the United States have demonstrated unusually high mortality rates for respiratory, cardiac, and kidney diseases in counties with open-cast coal mines.

### **Particulates**

- Long-term exposure to Particulate Matter (PM) can lead to increased cardiopulmonary and lung cancer mortality. PM is not a single pollutant, but a mixture of particles from different sources. Fine particles, particularly of PM2.5 and smaller, are easily inhaled yet they are invisible to the eye. These particles can hang in the atmosphere for 7 days during which they can be carried great distances. A radius of up to 3 miles is regarded as a realistic zone of influence.
- From the accounts of local communities elsewhere in Scotland where open cast operations have taken place, the ability to suppress dust is limited and this is particularly so during dry weather conditions. Note that we are referring to “suppression” measures rather than “elimination”.

- Evidence has shown that diesel exhaust fumes (containing a variety of lethal products of combustion) combine with other airborne particulates to form a particularly toxic “cocktail”. Scottish Coal estimate that the mining of 50,000 tons of coal equates to the use of 20,000 litres of diesel. We believe these figures may be somewhat conservative given the amount of heavy plant on site, but even on this basis, this equates to the use of 800,000 litres of diesel to remove 2 million tons of coal from the Airfield site. Please note that this excludes emissions from haulage - 10,000 tonnes of coal extracted per week, which will be transported in 29 tonne payload vehicles (42 tonnes laden weight) equating to 126 HGV movements per day.

### Asthma

- Children are more susceptible to suffering adverse effects to air pollution. A study of the increase in child asthma detectable up to 3 miles from open cast sites was carried out by Telford and Wrekin Council in 2008. Applying their findings to the communities surrounding Airfield, the potential increases in asthma in those areas could be projected as follows:-

33% increase in asthma in children living within 1 mile (1.6 km)	<b>Including</b> Airfield, Cousland, Oxenfoord Mains Cottages & Farm, Tynemount Farm and Cottages, West Byres, Melvin Hall, Fordel Dean, Fordel Mains & Ormiston
21% increase in asthma in children living within 2 miles (3.2 km)	<b>All of the above PLUS</b> Dalkeith Community Schools Campus, Woodburn Primary School, Whitehill, Edgehead, Newlandrigg, Dewarton, Pathhead, Elphinstone, Tranent, New Winton, Whitecraig.
12% increase in asthma in children living within 3 miles. (4.8 km)	<b>All of the above PLUS</b> Woodburn, Pathhead, Dalkeith, Mayfield, D’Arcy, Easthouses, Bryans, Wallyford, Whitecraig, Pinkie Braes, Wester & Easter Pencaitland.

## **The Douglas Study**

- A Coal Health Study carried out in 2009 in Douglas utilising NHS statistics has produced extremely disturbing findings in relation to the health of the communities adjacent to their open cast sites. While we acknowledge that statistical correlations can be difficult to substantiate, we believe these figures are so fundamentally alarming that Midlothian Council should refuse this application on the basis of these health figures alone:-
  - COPD - Chronic Obstructive Pulmonary Disease 60% increase over last 4 years, twice national average, comparison of Prestwick which has remained stable despite having an International Airport,
  - Douglasdale asthma and hypertension up 44% & hypothyroidism up 80%, Chronic kidney disease has doubled in last 2 years
  - Cancer rates are 23% above Scottish average while wider Clydesdale area is 5% less than Scottish average.
- Earlier this month Douglas GPs Dr Robert Flowerdew and Dr Michael Coates quoted a COMEAP study suggesting long-term exposure to air pollutants has an effect on mortality. While they wished to avoid creating a “panic”, the doctors said, their duty to their patients and the evidence laid before them led them to “feel strongly that the issue of the public health risk of particulates resulting from opencast mining coal should be fully addressed by the authorities.”

## **Psychological impacts**

- The implications of the proposed Airfield Opencast site upon communities in the Cousland/ Ormiston area have already given rise to a definitive increase in the stress and anxiety levels of individuals, families and small businesses.
- The overwhelmingly negative impacts from this open cast mine will lead to a significant rise in stress levels within the local community. Significant research has concluded that this rise in stress levels alone will result in further ill health, especially given the loss of control which people will inevitably experience in relation to their environment.

## **Noise, Air Quality, Light, Hydrology, Hydrogeology**

As a community we recognise that we do not have the requisite scientific skills available to assess what in some cases are very detailed studies which have been carried out by Scottish Coal's consultants. We would however make the following points:-

- We do not accept the "independence" of the reports prepared for Scottish Coal for obvious reasons. In addition, the Council must understand that communities will be deeply mistrustful of information which they can not readily understand.
- The degree of scientific analysis relating to noise and air quality in the EIA is such that it is not capable of being challenged by laypeople. Consequently, the conclusions are virtually meaningless to the community and we would question what expertise Midlothian Council intends to employ in assessing the accuracy of these EIA findings.
- Communities have expressed reservations about the independence of any future noise or air quality impact assessment carried out for Midlothian Council alone given the fact that Midlothian is perceived as "coal friendly" while the majority of noise and air quality impacts will be felt in East Lothian.
- Consequently, in the event that Midlothian Council is minded to grant consent for this application, we demand that independent expert studies be commissioned jointly on behalf of Midlothian and East Lothian Councils (at the expense of Midlothian Council if necessary). These reports should assess the projected effects upon noise and air quality for the receptor communities resulting from the open cast proposal. This information should then be interpreted relative to medical studies and other statutory guidance in order to independently assess the acceptability of these impacts.
- In general we feel that the topography and wind patterns in the Cousland/Ormiston area require careful assessment in the modelling of noise and air quality impacts. We therefore remain unconvinced that so few receptors will be significantly impacted by dust and noise as Scottish Coal suggest.
- Hydrology and Hydrogeology are also specialist fields where we reserve the right to comment at a later date. However, we have great reservations regarding the potential pollution of watercourses, particularly in relation to existing minewater. The River Tyne is a sensitive receptor and we find it hard to believe that contaminants can be adequately contained for the entire 5 year extraction period when carrying out such extensive workings.
- Impacts resulting from the use of floodlighting during the hours of darkness are not adequately assessed. It is not stated whether this floodlighting is in operation throughout the whole night or limited to site operating times. The site is prominent to the South and low lying relative to many receptors

therefore the potential for light spillage is significant. Lights from operational vehicles are also likely to be readily visible from some properties and yet no assessment has been produced in the EIA.

## **Transport Impacts**

The community has expressed wide ranging and strong concerns with regard to the routing and safety of traffic generated by the site as follows:-

### **A68 Fordel junction**

- The A68 Fordel junction has longstanding design problems and yet it is to be the designated junction for laden HGVs accessing the Northbound A68 (at least 5 fully laden 42 tonne trucks per hour). The safety issues arising from the design of the northbound slip road were sufficient to merit its closure some months ago. While we understand that works to amend the junction leading onto this slip road are due to be completed in the coming months, we believe there are still unacceptable design issues with the slip road itself.
- We believe that design compliance with DMRB Vol 6, Section 2 is questionable and requires further independent scrutiny in relation to the Fordel junction. In practical terms, fully laden HGVs joining the A68 Northbound will be unable to gain an acceptable speed on the very short sliproad before having to merge with the main carriageway in front of oncoming traffic. Vertical and horizontal alignment of the junction appears sub optimal and does not afford adequate visibility to allow for the safe adjustment of speeds on the single carriageway for oncoming traffic. We believe this to be a serious issue and Midlothian Council should independently assess the design safety of the junction relative to this application.

### **Routing of HGVs**

- Scottish Coal has failed to provide any specific information on the proposed destination and wider routing of coal from the site. Accordingly, traffic impacts generated by this proposal can not be properly assessed. In particular, we are aware that there are significant traffic issues which need to be considered if these vehicles are to deliver coal to Cockenzie power station. It seems certain that there will be other sensitive traffic nodes on potential delivery routes – to Longannet for example - therefore Midlothian Council can not shirk its responsibility to address the potential for serious traffic impacts at a national level.
- Transport Scotland's consultation response in relation to the EIA fails to identify any significant adverse impacts on the trunk road network. Our discussions with Transport Scotland confirm that they have not considered the wider routing of HGVs simply because the EIA does not provide such information. We therefore believe that Midlothian Council should ensure that TS are provided with the necessary information to address these issues, as well as any cumulative impact issues on which they also have no information. (see separate section re Cumulative Impact)

- Scottish Coal has defined precise local routes for the departure and return of HGV vehicles removing coal from the site. Notwithstanding our objections to these prescribed routes, we do not believe Scottish Coal will be able to adequately prevent hauliers from using alternative shortcuts (dependent on destination) through the communities of Ormiston, Carberry or Tranent. Experience at other open cast sites has shown that hauliers frequently ignore guidelines and the measures suggested by Scottish Coal for “policing” adherence to the prescribed route are inadequate and unrealistic.

### **Local roads**

- The Scottish Coal Traffic Statement is superficial and lacking in the empirical traffic analysis one would expect in these circumstances. At the very least, a detailed traffic survey should be carried out covering local roads up to the Fordel junction on the A68 and safety issues should be identified and assessed accordingly.
- Fordel Dean is currently unsuitable for the frequent use of HGVs due to width restrictions, poor surfacing and very poor visibility at certain points. Use of this road will require significant improvements yet Scottish Coal have given no such details. Furthermore, any improvements will be unable to address the significant gradient of Fordel Dean (which is conveniently ignored by Scottish Coal); the gradient is so steep that no haulier would ordinarily consider taking fully laden 42 tonne trucks up such an incline, even if the road was otherwise acceptable. The generation of noise and diesel fumes will be totally unacceptable.
- No account has been taken of cumulative impact issues resulting from planning applications for Smeaton re-cycling, Chalkieside quarry infill and potentially, the Fordel junction development proposal. We have covered this issue separately under cumulative impact.
- Existing road subsidence and potholing will be seriously aggravated on the A6093 and Fordel Dean roads. Both roads have flooding/drainage issues as well as very uneven/bumpy surfaces. How will this be addressed and who will meet the cost to ensure that these roads are maintained in a safe condition? It should be noted that roads in the vicinity of other Scottish Coal sites – most notably in Lanarkshire – have been devastated by their HGVs. Midlothian Council has a duty to prevent this happening.
- Fordel Dean and the A6093 are heavily used by both motorists and cyclists for commuting and leisure purposes. Further deterioration of the wearing surface, mud on the road and heavy vehicles will pose significant risks. Fordel Dean is particularly susceptible in this respect due to gradient and width. This will doubtless result in accidents and/or avoidance. This impact would be a highly undesirable result for Midlothian Council in terms of its public liability, tourism and leisure objectives.



- Wheel wash facilities may be provided on site but evidence from other sites suggests that these are often not used. The result is that local roads are filthy. The A6093 is a well used road with traffic travelling at high speeds and a bumpy surface which when combined with mud will lead to greatly increased accident risk.
- The negative impact of HGV traffic at the Fordel junction over the 6 year operation period (and possibly longer) will undoubtedly stifle development viability on the land adjacent to the junction. The Council will no doubt be aware that a substantial planning application is currently being drawn up but we would question whether such a development will be capable of securing funding with HGV traffic passing on this scale and the inherent problems with the junction.

## **Cumulative Impact**

SPP16 requires planning authorities “...to ensure that proposals will not subject any community to a disproportionate burden of negative environmental impacts or perpetuate unacceptable disturbance to a particular community.”

In assessing such impacts, any two or more operational or consented sites that could raise similar impacts within 5km of a community should be taken into account. Such sites will include, but are not necessarily restricted to:-

- 1) Opencast sites
- 2) Other mineral extraction sites
- 3) Landfill sites

In the case of Cousland, there are 2 working sites which Scottish Coal acknowledged in their EIA, those being:-

- 1) Catewell Quarry – within 1 Km
- 2) Cousland (Limeworks) Recycling Centre - approx 0.5km from Cousland

Other current planning applications which are within a 5km radius and give rise to similar impacts to the Airfield open cast proposal include:-

- 1) Smeaton Bing, Carberry, East Lothian - Ref 09/00617/FUL – application by Hamilton Waste and Recycling Ltd - reformation of bing to form bunds, formation of access road, suds pond, erection of buildings, associated planting and use of land as a waste recycling facility. Less than 1km from Cousland.
- 2) Chalkieside Quarry infill, East Lothian – Ref 09/00162/FUL – infill of old quarry. Less than 1km from Cousland
- 3) Carberry Candles, East Lothian - Ref 08/00563/FUL - conversion of factory to 7 houses and two flats. 1 km from Cousland
- 4) Airybank, Cousland – Ref. No: 08/00694/FUL - erection of four houses

We therefore make the following points in relation to cumulative impacts:-

- The Scottish Coal EIA has attached no significance to the impacts of the existing working sites at Cousland Quarry and Cousland Recycling centre. No analysis is provided of similar impacts arising from these locations. We believe that traffic generation, noise and dust emissions should be properly researched and assessed.

- No account is taken of the potential similar impacts generated by the planning applications for Smeaton Recycling Centre, Chalkieside quarry infill or the other current applications. While these are only at the application stage, it seems absurd to suggest that these applications should not be assessed alongside the Airfield application having regard to the cumulative impacts they would generate. In particular, HGV traffic at the Fordel junction, noise and dust emissions are obvious concerns which overlap with the Airfield application. We therefore trust that Midlothian Council will fully assess these matters prior to any planning decision being made.
- Overall, the abovementioned working sites and proposals demonstrate a *“disproportionate burden of negative environmental impacts”* which *“perpetuate unacceptable disturbance”* to the village of Cousland. This situation is unacceptable and contrary to Scottish planning policy SPP16.

## **Detriment to Landscape and Visual Impact**

The community strongly disagrees with Scottish Coal's claims that the impacts of the opencast on landscape quality and from relevant vantage points will be acceptable. They also do not believe the site will be restored to an appropriate standard if the opencast proceeds. There are a number of concerns and these are exacerbated by unsubstantiated conclusions drawn by Scottish Coal in its Planning and Environmental Statements, which include a number of misleading statements.

### **Landscape Impact**

- The existing landscape of Airfield Farm is of outstanding quality as demonstrated by its inclusion within a designated Area of Great Landscape Value. This carries a policy presumption against development, in both local and structure plans, to protect its special scenic qualities and landscape integrity. AGLV is a local designation whose importance is also acknowledged by SNH in national planning policy guidance.
- Scottish Coal accepts the Airfield landscape is of "high sensitivity". It then contradicts itself by suggesting it is only of "medium importance" and that its appearance is compromised by the "industrial presence" from nearby power lines outwith the site and the existing sawmill, such that its arable agricultural use provides its principle relevant feature. This is disputed - the landscape retains its natural features and justifies its designation of outstanding quality. For avoidance of doubt, Scottish Coal cannot infer that the proposed "industrialisation" of the site, which will be on a massive scale, is justified by existing structures which are insignificant by comparison.
- It is also insulting for Scottish Coal to conclude, on one hand, that the three industrial uses identified within a 5km radius (Cousland, Catwell Quarry and Smeaton Bing) will result in no cumulative landscape or visual impact yet, on the other, that their existence provides a "wider landscape setting" within which the Airfield opencast would be "in context".
- The site will be comprehensively altered by deep excavation pits and huge mounds of soil/debris, some at least 25 metres high, for a period of at least 5 years. This will not only totally change the existing landscape it will largely destroy it, with obvious fundamental detriment to its landscape character and quality.
- Scottish Coal's conclusions on the impact are a master of understatement including that the quiet rural character "*may gain a degree of industrialisation in the short term due to the mining operation*" and that the "*landscape character will be changed temporarily by the soil bunds and overburden mounds*".
- Scottish Coal claim this impact will be acceptable as there are relatively few vantage points of the works and these will be shielded by the huge bunds

The scale of impact on views is disputed (below). However as a measure of landscape impact, the relevance of any views of the site is limited, in any event. The most important factor must be the destruction of part of an AGLV, not whether anybody can see it.

- AGLV designation has been a significant factor in the consideration of other sites in Midlothian by the Council. The Airfield site is within the AGLV designated for the Tyne River Valley. The only other site subject of an opencast planning application in this AGLV, at Chester's Wood, was refused, with impact on AGLV being one of the stated reasons. Only a few sites in the other AGLVs have previously been approved in Midlothian and these have generally been justified as extensions of previously approved workings, including the extension at Shewington approved on 11<sup>th</sup> August 2009. The Airfield site is isolated from any previous workings. The integrity of the Tyne River Valley AGLV should not be compromised.
- The community consider no development on any of the site should be allowed due to the impact on AGLV status. However it acknowledges that the Local Plan provides for a part of the site (reduced due to the sensitive landscape) as the maximum which may be appropriate for consideration in a future local plan review. Despite this, Scottish Coal has pursued a larger site area without any relevant justification to overturn the Council's assessment (which was summarised in document MCD272 at the local plan inquiry), and despite accepting in its ES that *"the loss of hedgerows and trees in the north part of the site will be conspicuous"*. The community feels this disregard for measured opinion encapsulates Scottish Coal's approach throughout.

## Restoration

- Scottish Coal claim their restoration of the site will reinstate existing land contours, hedgerows, trees, watercourses, etc. These claims are easy to make but how can they be believed or enforced? Whichever landscape features are reinstated, it will be impossible to replace either the features, or overall quality of the existing environment, to retain the integrity of AGLV designation. Residents do not believe claims the site will be enhanced after its restoration – how can you improve natural beauty and wildlife?
- Scottish Coal's record on restoring sites is understood to be very poor, often where sites are left pending further applications for extensions. Some sites have simply become a wasteland e.g. Blindwells former open cast site by Tranent. It is understood that many other open cast developments in Scotland have sparked public protest on the way in which land and views have been intrusively disfigured.
- Scottish Coal seeks to justify opencast at Airfield on the basis of the proposed subsequent restoration. In doing so it refers to the Landscape Character Assessment for the Lothians commissioned by SNH which states the key strategic aims of relevance as to *"restore integrity of rural character"* and to

*“retain core agricultural character”*. However these quotes are highly selective. The basis of the first strategic aim was to reinstate the damaged landscape caused by previous opencast workings by additional woodland planting. The second was a response to identified pressure for new opencast mining in this area which is referred to as a “Negative Attribute”. The LCA document provides no justification for this proposal.

- The details of aftercare in the ES (page 3-9) do not prove that the site will be restored to a higher, or even comparable, quality of landscape and the community’s doubts are reinforced by contradictory claims in the company’s ES. These include that they will *“improve the landscape value”* (page 3-10), *“restore the landscape to a character appropriate to its setting”* (4-39) and *“the landscape character will not be adversely affected to any significant extent by the development in the long term”* (4-40). The community do not believe the existing landscape quality will be restored. Where there is doubt, planning permission should be refused. If planning permission is granted, a bond must be ensured through a legal agreement to cover the full costs of reinstatement should Scottish Coal go into receivership. The costs must be established by independent expert advice.

### **Visual Impact**

- The methodology used by Scottish Coal to assess visual impact confines its consideration to 13 “receptors” comprising houses or vantage points on roads which will have direct visibility of the site. However this approach has two distinct flaws.
- Firstly it ignores the perception of the proposal by residents in the wider community and the impact it will have on them over the many years of operation. It gives no consideration to residents who, whilst having no direct sight from their homes, frequently walk the area and who will see the magnitude of the operations on a regular basis.
- Furthermore, Airfield is used regularly by walkers, cyclists, horse riders, joggers and bird watchers. It is an important green space for recreation & healthy exercise for urban & country dwellers alike who choose to come to the area because of its attractive views and landscape. Their activities will be detrimentally affected and many are likely to stay away.
- Secondly, the magnitude of impact on the 13 receptors is a highly subjective judgement by Scottish Coal’s consultants and only a few of these are found to suffer a high impact. For those houses with most direct visibility of the site, the estimated impact has been downgraded as the view of the extraction works themselves will be shielded by the overburden mounds. This is ridiculous as those mounds will themselves ruin their existing pleasant rural panorama with long distance views. The impact on houses with indirect views of the site has also been downgraded.

However Scottish Coal must understand that all residents will consider the impact on their views will be of high magnitude, whether the vista of the site from their home is fleeting or direct.

- The Council must give additional weight to all these matters when reviewing Scottish Coal's assessment. However whilst the direct views of extraction may be minimal it seems this is because those views will be shielded by the huge overburden and soil mounds which will be a significant feature on the site for long periods.
- Residents have great difficulty in assessing exactly how their views will be affected as Scottish Coal have not provided any visual impressions of the bunds/overburdens, other than a photo montage from one viewpoint. There is only a brief mention of their height of 25 metres and 6 metres high on the site boundary. How can the community be expected to understand the implications based on highly generalised statements in the ES? The Council should require Scottish Coal to provide appropriate cross sections, visual impressions, etc to allow an appreciation of scale.
- To demonstrate the generally biased and inaccurate assessment of visual impacts within the Environmental Statement, we would draw attention to the description of site views from the A6093 on page 4-36/37. Throughout the narrative the assessment tends to understate the extent of views towards the site when traveling westwards along the A6093 from the Ormiston junction. However, it then states that on reaching the section passing West Byres, the "views to the site are obscured by mature roadside trees". This is a gross misrepresentation as in reality there is a clear elevated view of the site which is unhindered for at least 250m before views become intermittently broken by trees (which are far from mature). The narrative then seeks to emphasise the pylons crossing the road in an effort to further enhance Scottish Coal's distorted image of a landscape of industrial character.

## **Impact on Ecology & Natural Heritage**

The community places considerable weight on the quality of the natural environment in the area. It is the reason why many people live here but there is wide concern this will be ruined by the mining proposal. Particular concerns are as follows:

- This is a particularly scenic corner of Midlothian the rural landscape is an important part of the public amenity of not only Midlothian but of the City and adjacent counties. The emphasis on health and wellbeing of the populous is demonstrated in and around Cousland and Airfield with many people taking part in regular cycling, walking, running and horse riding on rural roads and tracks. There are also many birdwatchers. These activities will be prejudiced by the opencast.
- Airfield is designated prime agricultural farming land and as such produces necessary quality crops for both human and animal food. Recent governmental concern has been expressed over the rate at which prime farming land is disappearing under development projects. There is a policy presumption against loss of prime agricultural land.
- The Hadfast Valley Site of Special Scientific Interest (SSSI) lies only 300metres to the north of the site boundary. This is one of the most important areas for breeding birds in The Lothians. Warblers and red listed Tree Sparrows breed in large numbers and redwings, field fares and waxwings winter here. It is located downwind from the site and will be subject to vibration from blasting, noise and dust, not to mention loss of feeding grounds for species of mammal & over wintering geese.
- Scottish Coal concede that dust deposits from the opencast will affect the SSSI with impacts on bird productivity and invertebrate species but that “dust suppression measures” will be put in place and prevent any impact. There is a clear risk that this would not be fully achieved. This is sufficient to refuse consent. However if Midlothian Council intends to approve the application it should invoke “the precautionary principle” and the site boundary should be limited to at least 500 metres from the edge of the SSSI.
- The information provided in statistics for Hadfast Valley SSSI is inaccurate and well out of date. This information was clearly taken from the Midlothian Council environment website and the website developers were contacted over 18 months ago to make them aware that they had wrong information but it has not been changed.
- For instance, bats are not included in the Hadfast bat survey. And map 5.7 of Likely Breeding bird territories 2005, appears to exclude Skylark and Yellowhammer - both red listed species. This should be corrected and re-issued with an updated study for 2007/8. Correct, current research information and species lists are easily available from SWT and SNH and should be used to update the EIA. The inaccuracy of the Hadfast data



generally calls into question the validity of the ecological statement. Some of the records used in the EIA are also 10 years or more old.

- Scottish Coal suggest their proposed restoration will enhance the number of habitats on the site and, without investment deriving from development; it is unlikely that the ecological value of the site would significantly improve. In fact Scottish Coal is contradictory in its claims as it also states “the restoration plan would return the site to its existing baseline”. These claims are not accepted and must be rejected as a justification for opencast development for the following reasons.
- Regarding financial support, the RSPB have recently published policies on the conservation of farmland bird species wherever possible, with subsidies being given to landowners to maintain the habitats in perpetuity.
- Airfield Farm has many territories of the most threatened species with significant numbers of Schedule 1, Red listed, other protected mammals and a large population of bird species. Arable land is vital for the survival of many of these species such as Skylark, Yellowhammer, Barn Owl and Quail which are found on the site. Other important species include otter found in the Cotty Burn and badgers are found across the site. These are both protected species. All bats and otters are European Protected Species and it is an offence to deliberately or recklessly disturb an EPS anywhere.
- SNH have indicated the number of badger setts has been underestimated and a further survey is required. It is important that a 30 metre exclusion zone is ensured in each instance.
- A wide diversity of habitat is found across the site, woodland, burns, field margins, tracks, old established hedges and mature trees. These would all disappear for the lifetime of the working site and beyond. Remediation would necessarily take many, many more years to reproduce the existing habitats. Habitats evolve over decades and cannot just be reinstated with the vague assurance that the wildlife *might* return. We have considerable doubt the existing habitats will be successfully reinstated.
- The proposal is contrary to Midlothian Council’s Biodiversity Action Plan which in respect of North Midlothian states *“Although the area is largely urban, the surrounding farmland is the most productive in the county. The rivers with their riparian woodlands are the most important semi-natural habitat in the area. However, the farmland contains a number of UK priority habitats including cereal field margins, parkland and wood pasture as well as ancient species rich hedgerow. Winter stubble, associated with the growing of spring crops, is a vital habitat for many farmland animals”*.

## **Impact on Built Heritage**

The community places great value in the enjoyment of its heritage in the locality and any development presenting a risk to buildings or sites of importance must be resisted. The following are concerns:

- The Oxenfoord scheduled ancient monument lies within the site. It is shown as being isolated from the proposed opencast works. However there are concerns that its protection cannot be guaranteed given their close proximity.
- There are various crop marks in the fields within the site. Scottish Coal indicate that impact on them can be mitigated but it seems inevitable they would be destroyed.
- Cousland Castle is a scheduled monument and has recently been the subject of an archaeological study which has shown it to be important in the history of Scotland. Historic Scotland has expressed concern to Scottish Coal about its protection. We consider the fragile fabric of Cousland Castle is in danger from blasting vibration and this must be subject of an independent investigative study commissioned by Midlothian Council.
- Recent archaeological finds in Cousland suggest this may be an area of considerable further interest. Cousland Smiddy and the industrial archaeological remains of the lime working industry which itself is notified in significant historical documents, should be accorded status within the EIA.
- The East Lothian Archaeology Service has found insufficient information on which to make a judgement and recommends an 8% pre-determination evaluation of the site before planning consent could be granted including known, and any as yet unknown, artefacts. The community would reserve its position until the findings of that study are known

Contact details for Communities Against Airfield Open Cast:

Douglas McKenzie  
25 Hadfast Road  
Cousland  
Midlothian  
EH22 2NZ