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December 14, 2016

Tina Kelly, Programme Officer,
C/O Development Management,
Telford and Wrekin Council,
PO Box 456,
Wellington Civic Offices,
TELFORD,
TF2 2FH.

Dear Mrs Kelly,

Re: Telford and Wrekin EiP

I am sorry it has taken so long to respond to you, unfortunately, I have been ill for a number of days.

Thank you for your email of 6th December containing both the response of the Council and the response of Inspector Hetherington to my letter to you dated 30 November, 2016, regarding the consideration of track changes to Mineral Policy in the submission version of the TWLP at the forthcoming EiP and our participation in the relevant matter 7 hearing session.

I am grateful to the Inspector for confirming my participation in the relevant matter 7 hearing session and for his clarification, all as set out in your email.

I am still somewhat disturbed, however, that the Council, in its response to the concerns set out in my letter consider the modifications to policy ER2 to be "not controversial". I find this assessment astounding and it is interesting to note that the Council has not maintained its assertion that its track change modifications to policy ER2 are "minor modifications".

Whilst I am not attempting to pre-empt the discussion around matter 7 at the hearing, I feel it is important to set out the full implications of the modifications to policy ER2 proposed by the Council and why I feel the Council is misrepresenting the nature of the modifications by suggesting they are "not controversial". I am hoping, therefore, that you can bring these comments to the attention of the Inspector so that he is informed, in advance, of the concerns and what I believe to be the implications.

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In essence, the modifications to the first branch of the policy turns the policy from one of supporting non-mineral development in the event a single exclusion criteria can be met into a policy sterilising non-mineral development unless five criteria (which are almost impossible to achieve) are met.

The second branch of the modified policy turns a policy of allowing prior extraction, unless it is demonstrated to be uneconomic, into a policy requiring extraction of “**viable**” (emphasis added) mineral resources in advance of construction, where it is established as “**feasible**” (emphasis added). Further, the modification then removes the prior exemption of where minerals are proven to be uneconomic to work.

In this instance, for example, it may very well be viable to work coal resources and it also may be feasible to work coal resources, however, if the coal is no longer required due to say Sulphur content or it is no longer burned at power stations due to central government policy or environmental constraints, then a policy without uneconomic exemption is simply plain wrong, unjustified and unnecessarily restrictive. At an extreme, there is a feeling that this policy has been specifically reworded to bolster anti-development policy in areas where it is known that minerals exist but where there is absolutely no likelihood of them ever being worked. (We can obviously expand on this at the hearing session).

In addition to the above, the Council is seeking to redact mineral resources on the Mineral Safeguarded Area map within the urban boundary of Telford. This is particularly important having regard to the sustainable urban extension proposed by the Council at Muxton (H1) where this location is presently designated as within the rural area and is underlain by mineral resources which the plan originally suggested should be safeguarded. Again, we feel that the reasoning for this is not driven by the need to protect minerals but has more to do with bolstering more recently introduced policy changes.

The clear impact of the modifications to minerals policy and the urban boundary proposed by the Council is to exempt its own sustainable urban extension proposals at Muxton (underlain by mineral resources which would otherwise be caught by its modified policy) and to sterilize a significant proportion of private residential sites proposed on the urban fringe of Telford where minerals exist (whether economic or not).

Summation

I would respectfully suggest that the modifications proposed by the Council which have the effect of producing such profound exclusion of a significant proportion of the privately sponsored development sites on the urban boundary of Telford to the clear benefit of the Council’s own proposals (which do overlie minerals and which are to be effectively exempted) can only be considered to be major self-serving modifications and for the council to propose that the changes are “not controversial” is at best fallacious.

The Council, in its response confirms it has conducted a refresh of the IA.

With this in mind, the IA at 2.24 states “The screenings found that all the changes are **minor**” (emphasis added) and at 4.55 proposes “It is considered that the changes do not significantly affect the findings of the previous IA work”.

Given the above IA analysis of the proposed modifications to policy ER2, particularly when considered against their effects as set out by me, it is somewhat surprising that the IA considers the changes proposed by the council as “minor”.

Additionally, the reasons for selecting or rejecting housing proposals set out in Appendix IX of the IA continues to propose that one of the reasons the Muxton (H1) SUE site is selected is for its sustainability when this is called into question by virtue of the above mineral arguments and the fact that the proposed site should undergo sequential and exception testing.

The above arguments again serve to provide evidence of the Council’s apparently self-serving approach to a statutory process, further examples of which have already been referred to in my earlier correspondence with the Inspector.

The Council’s lack of proper consultation with the wider community on these major and significant changes to regulation 19 consulted policy which the Council seeks to brush off as “minor” and “not controversial” is of concern to me. I believe that the changes have such significance and effect that I am concerned that limited consultation through the EiP hearings of such fundamental proposed policy changes does not provide the wider community and Industry consultation that seems may be necessary.

I do not wish to be seen as contriving problems for the delivery and progress of the EiP but I do have genuine concerns I wish to make the Inspector aware of concerning what I believe the scale, impact and effect of the proposed modifications to mineral policy to be.

I look forward to hearing from you.

With Kind regards,

Adrian Seabridge, for and on behalf of **Seabridge Developments Limited**