

## Examination in Public Matter 7: Environmental Resources EiP Ref K24 -32a

We refer to the Council's response to the issue of how Minerals Safeguarding Areas had been defined and used. This was raised and debated at the Examination and resulted in Question 32 of the list requiring responses and Seabridge Developments Limited wish to comment on the Council's response

### Inspector's Question.

*"Council to consider Option 1: Show Minerals Safeguarding Areas across urban areas OR Option 2: providing additional evidence to justify why MSA are not shown across the urban areas (Telford and Newport).*

*If option 2 then provide plan of historical mineral workings in the urban areas*

- *Provide any additional further evidence e.g. areas of mineral sterilised by subsequent development and show any pockets for potential mineral recovery that might remain.*
- *Show areas where mineral is no longer present in the urban areas*
- *Rewrite ER2 to reasoned justification paras 10.2.1.2 to 10.2.1.4 to set out revised approach to MSA's and clarify what the approach is to mineral extraction outside the MSA.*
- *Will require changes to the Policies Map.*

*Change the shadings for mineral buffer zones on the relevant maps – because not easily identified."*

### Compliance of Council's Response with Questions Asked.

The Council has responded by choosing to adopt Option 2 and whilst they attempt to justify their reasoning, they do NOT provide the specific information requested by the Inspector.

Taking the points raised by the Inspector in chronological order, I raise the following comments and concerns;

1. The Council has provided NO plan of historical mineral workings in the urban areas
2. The Council has provided NO evidence of areas sterilised by development (other than a continued reliance on the plan of the built up area which was referenced in the Examination)
3. The Council has NOT shown of any pockets of minerals which may remain
4. The Council has NOT attempted to show where minerals are no longer present in the urban areas save for a spurious attempt to exclude resources from beneath its own H1 Urban extension proposal which is discussed later.
5. The Council has NOT rewritten policy ER2 as requested.
6. The reasoned justification is amended but there is NO clarification of what the approach is to mineral extraction outside the MSA.
7. The Council has NOT materially changed the Policies Map other than to use the opportunity to visually strengthen the weight which the Council gives to its own subjective assessment of features such as the 'Strategic Landscape Area' which was the subject of separate "testing" by the Inspector at the Examination.
8. The shadings for the buffer zones merely confirm standard additional distance around MSAs and do little to confirm any constraint to possible economic viability.

### **Continuance of Use of MSAs to Support Policy Position.**

It is suggested that the underlying suspicion about the Council's use of Minerals Safeguarding Areas remains unchanged and has been strengthened by this response. It was believed that in trying to justify its revised policy of limiting growth and prioritising this new lower level of housing provision onto publicly owned land, the Council saw the opportunity to use MSAs to bolster its position.

Unfortunately, by adopting this policy approach, the Council left itself open to question about the MSA defined to be relevant just outside the boundary of H1, whilst apparently being of no economic significance inside the boundary of H1? This spurious use of MSAs (and the blanket discounting of the value of minerals in the Urban Area) was identified at length in the Examination and led to the requests for more information contained in Question 32.

The Council's response appears to be summarised that they wish to maintain a blanket exemption of defining any MSA within the Urban Area, and, in order to justify its position as to why the minerals are not of economic value in H1, it provides site investigation data to demonstrate that the minerals are of NO economic value either within H1 or adjoining it.

**Careful analysis of the site investigation data provided and utilised by the Council clearly shows that the borehole data is confined to the centreline of the A518 and provides virtually no coverage of the H1 Urban Extension proposal. I find it incredible, therefore, that on the basis of a single string of boreholes along the route of a highway with NO clear site investigation data being provided for the Council's proposed H1 urban extension that the Council conclude that minerals do not exist within its H1 proposal and to use this to justify its position of excluding the MSA from the Urban Area – so easing the path for granting itself planning permission.**

Whilst the Council's borehole log plan annotations cannot be read, due to the clarity of the scans provided, it is of note, that at Donnington A2, a borehole note reads "feather edge of a large outcrop of Glacial sands". This note gives further undermines the credibility of the Council's statement that minerals do not exist beneath H1.

However, what this attempt to maintain its policy position does, is to confirm that the definition of MSAs in general is deeply flawed when they are being used as a layer of constraint to development which the Council does not wish to allow.

Since the Council is using spurious data to propose lack of minerals beneath its H1 proposal when tangible evidence suggests this may not be the case, when others at the EiP and in recent submissions to the Inspector confirm that significant areas of the H1 proposals lie within Flood Zone 3 (requiring sequential and exception testing) then it seems clear that the sustainability credentials of the H1 proposal are clearly lacking and its screening and ranking must be brought into question.

The Council has proposed NO rewording of policy ER2, as requested by the Inspector if they are to consider Option 2, and, as referred to in previous submissions, the track changed policy proposals completely overturn the publication proposals from one of supporting non-mineral development, into one of sterilising non-mineral development unless 5 (almost unachievable) criteria are met. These changes are massive and fundamental.

Additionally, and more importantly, stemming from the Council's position, as evidenced above, the Plan must still be considered **unsound** when the "refreshed" Integrated Appraisal" (rIA) concludes;

- The rIA confirms the sustainability of the H1 Urban Extension proposals and its ranking.
- The rIA proposes the track changes to policy ER2 are "minor" and "do not significantly affect the findings of the previous IA work".

### **Continued Inappropriate Use of MSAs to Restrict Development.**

Two examples are;

#### **Muxton.**

Every attempt was made to reject development on land at Muxton whilst justifying development on the adjoining land in H1. It is very disappointing to see that the response to Question 32 includes a new map purporting to explain the thinking on how MSAs were defined but actually comprises a very blunt opportunity to reconfirm the Strategic Landscape Area. Adopting a "layman's" approach to this map would lead one to conclude that notwithstanding the *possibility* of minerals being present, they are irrelevant as the Council considers that it's belief that the Strategic Landscape Area rules out any form of development.

The Council states in its response that "*These areas have been 'blacked' out to show the remaining MSA areas*" i.e. the possibility of economic minerals existing in an area of environmental significance is considered unimportant. The reasoning is somewhat confused but, as the 'blacked out' areas in the Urban Area purport to justify why it is not necessary to define whether any economic mineral exists, EXACTLY the same reasoning must apply outside the Urban Area.

The continued promotion of the Strategic Landscape Area is, in its own right, disappointing but it is believed that the Examination fully explored the alleged justification and, the Council confirmed that it was not unique in their area. As referred to elsewhere, it is continued to be believed that the SLA is merely being used as a tool to restrict development in areas of political sensitivity for the Council whilst at the same time being used to support its own development (in adjoining land which seemingly has different landscape value!)

#### **Lawley.**

As stated at the Examination, the whole of the 'Lawley' site (between Arleston Lane and the Dawley-Wellington Road had its mineral resource physically removed by mining as part of the Development Corporation's reclamation programme prior to development. It is a quirk of fate that an ownership boundary runs through the middle of the site with the effect that the Council seek to argue that there is no need to define an MSA on land in public ownership yet it does maintain its definition of an MSA on the privately owned section of the same (already mined) site.

At the Examination, it was stated in response to a question that one of the reasons why this land had not been allocated was because it was in a MSA yet the mineral had been already been fully extracted as part of the preparation of the land for development. This was precisely the reason why

the Council was asked to be more specific about defining areas where economic minerals actually still exist and/or have already been extracted. However, despite the clear request, this clarification has NOT been supplied other than by means of a very limited justification and that H1 is not part of such an economic resource.

Apart from the obvious inequity, it must be pointed out that this example of the use of MSAs is “wrong” as the whole site was mined and compacted prior to planned development yet the Council attempts to maintain an MSA designation on the privately owned land. This can only be to try and strengthen its argument for development on the public land and to restrict development on the private land.

### **Conclusions.**

- I. The Council has NOT answered the questions set by the Inspector.
- II. The Council is maintaining a major tracked change version of policy ER2 which excludes non-mineral development in very broadly defined Mineral Safeguarded Areas which has not been consulted on and for which the Council has not addressed the Inspector’s concerns or requirements for changes.
- III. The Council has utilised unreliable data to justify a position to suit the allocation of its proposed H1 Urban Extension and to justify its position of not proposing to wash MSA through the urban area contrary to PPG, BGS and MPA proposals.
- IV. With regard to the major tracked changes proposed by the Council to policy ER”,the “refreshed Integrated Appraisal” is not properly reasoned nor justified making the plan **unsound**.