

MINERALS AND WASTE LOCAL PLAN
REPRESENTATION

relating to

WBM&WLP Annex 5 'Proposed
Submission Consultation Summary
Report'

with respect to comments by

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CONTENTS

	Page:
1.0 Introduction with Respect to Comments on Annex 5	1
2.0 Comment on the Council's Landscape Evidence Base	2
3.0 Availability of Information for the Tidney site	2
4.0 Cowpond Piece and Waterside Farm	5
5.0 Conclusion	6

1.0 Introduction with Respect to Comments on ANNEX 5:

- 1.0.1 The WBM&WLP Annex 5 'Proposed Submission Consultation Summary Report' sets out the Council's response to the various, informed representations. It also appears to be the first document that consolidates the Council's thinking behind some of their decisions with respect to the allocated sites. It seems that when the Council is challenged in representations, the default response is to refer the respondent to the Site Selection Methodology that is said to "*set out why the proposed site has been selected and why other sites have not been selected*". The inference is that the Methodology and related reports (where available) are tomes of unimpeachable authority and beyond question.
- 1.0.2 We were informed that the M&WLP (Preferred Options) was based on "*a robust and credible evidence base*" (page 12, para 2.36). We disputed that in our representation 'Executive Summary' pp1-2, paras 1.3-1.4. The expectation is that **all** background information should be readily available and reflect reasonable standards of competence that consider **all** the implications and potential impacts. Most importantly, there needs to be a narrative on how decisions have been made with a well-reasoned conclusion.
- 1.0.3 We agree with the Council in Annex 5 page 115, that this stage of the Plan process is "*to determine whether sites are likely to be suitable for development*". Given our former extensive professional experience with the mineral industry (refer to our reps 'Executive Summary' page 3 para 3.0 and the whole of our Appendix A), we feel that there might be some contribution that we could make to the process.

2.0 Comment on the Council's Landscape Evidence base:

2.0.1 In our reps 'Executive Summary' pp3-4 paras 4.0-4.5, we commented on the Council's Landscape & Visual Assessment (L&VA). As 'qualified' authors of numerous similar reports, we consider that we have more insight than most. We indicated how the Landscape Institute provides guidance on how such publications should be crafted and we identified some of the shortcomings of the Council's report. Notwithstanding our professional background, our representations were summarily dismissed with the Council's response in Annex 5 page 116 "*The Landscape and Visual Assessment has been undertaken by suitably qualified and competent landscape professionals*".

3.0 Availability of Information for the Tidney site

3.0.1 The Council's responses to our Tidney site representations (Annex 5 pp114-123) point to a number of studies that are said to have been available to assist representations. It is incumbent on Councils to make all such studies readily available in an easily accessible manner. This Council alleges a "*robust and credible evidence base*". One shouldn't need to spend time delving into numerous obscure documents to ascertain the existence of relevant appraisals.

3.0.2 What we can confirm is that, when attempting to identify any reports with regard to the 'setting' of Tyle Mill Conservation Area (CA) and to the Tyle Mill private water borehole (both of which we flagged up in our 2016 representations), we were unable to establish any information whatsoever. The only heritage comment we found was quoted in our reps Appendix C pp 4C-5C, para C3.3, which merely stated "*appropriate mitigation can be provided*" with respect to the mineral site's context to the CA.

- 3.0.3 Given the absence of explicit Council information regarding the private borehole, we wrote to the EA prior to submitting our reps on 15th February 2021. In particular, this was because of the prospect of inert fill on the Tidney site as a restoration medium and the EA's stated anxiety "*The EA has some concerns regarding infilling the site*" (Appendix C page 8C para C6.7). To this date, we have not had a satisfactory response. Our anxiety regarding 'inert fill' was amplified in our reps Appendix C page 9C paras C6.10-C6.12, based on our former professional dealings with so-called inert fill sites where we identified "*Irregularities were ever present due to opportunity, unscrupulous practice or incompetence*". The practical consequence of any inert fill site is that there is always scope and opportunity to import illegal waste, thereby compromising any potable water aquifer beneath.
- 3.0.4 Having stated the above, a 2018 EA document has now surfaced according to the Council (Annex 5 pp120-121) that identifies a default SPZ1 zone of 50m for potable groundwater abstraction. The fundamental question is whether this document derives from a consideration of Tyle Mill or was this aging document discovered as a rear-guard defence?
- 3.0.5 There are other Council responses to our representations in which we explicitly identified receptors which had been ignored relative to our Tidney site analysis. According to the Council, these had been considered but no specific detailed rebuttal has been forthcoming relating to our comments. Based on all the relevant documents we trawled through to support our comments in our Appendix C, we refute the suggestion that all the receptors were identified. The Council's default with respect to some of our identified receptors, termed 'Local Amenity' by the Council, is their

frequently quoted “ *appropriate mitigation can be provided*” (Annex 5 page 120).

- 3.0.6 Despite the Council’s responses in Annex 5, we have a fundamental and outstanding concern with regard to the Tidney development’s effects on the contiguous AONB. Our reps considered the implications of the site relative to the AONB and the likely effects of the associated unsustainable haulage vehicles entering/egressing the site from the adjacent A4 (re our Appendix C pp1C—3C, paras C1.1-C1.8).
- 3.0.7 The Council considers that related impacts of the Tidney development site on the AONB “ *have been assessed in the L&VA*” (Annex 5 page 116). Although the L&VA did incur an amount of work in this respect, including views into and from the site, it did not consider the consequences of a new access and the potential visual implications of the associated road access infrastructure that the report was endorsing. This is notwithstanding the L&VA commenting on similar considerations for other Preferred Option sites.
- 3.0.8 Furthermore, views into the site have fundamentally changed since the Council’s assessment because of the Ufton Lane recently constructed railway bridge approaches, which allow virtually the whole site to be viewed in the context/setting of the AONB. Given this, the expectation is there might have been an addendum to the L&VA report because of our photographic Views 1/1A/1B/1C within our reps Appendix B. The Council’s response in this respect is that, without any amplification “ *this is not considered to materially change the outcome of the landscape work*” .

4.0 Cowpond Piece and Waterside Farm

- 4.0.1 Only now in Annex 5 pp 136-138 and p140 do we find why some of the alleged 'Preferred Option' sites (such as Cowpond Piece and Waterside Farm) were effectively regarded as non-starters. In part, this is because more detailed Landscape & Visual Assessment work was required.
- 4.0.2 With Cowpond, there was also the need to consult with Hampshire Co. Co. to facilitate the transfer of the mineral to the nearby Mortimer Quarry, by a more sustainable means (potential conveyor belt) rather than HGVs (which would be used at Tidney). No appraisal was conducted by the Council, even though it accepts that this transfer would be a "*potential benefit*" (Annex 5 pp 136-7). Not only was the necessary liaison not conducted with Hampshire, but this information was not indicated in the alleged "*robust and credible*" evidence base of the Preferred Options M&WLP.
- 4.0.3 Despite our former professional background in mineral extraction, it wasn't our remit to promote any of the Preferred Option sites, rather we contemplated their opportunities and how the Council had commented on the relevant sites' prospects.
- 4.0.4 With regard to Cowpond, in our representation we had understood that it was entirely "*significant ecological impacts*" that had caused the relegation of this site (our reps Appendix D, page 1D para D2.1). We emphasise that much of the ecological impact was implied in the evidence base, rather than identified. It now transpires that the Council considers it was a combination of both ecology and landscape that had precipitated this rejection (Annex 5 page 136). This was not apparent in the Council's analysis.

4.0.5 On the basis that the relegation of the Cowpond site was entirely due to ecology, we recommended a proportionate approach. There is an extensive area of Local Wildlife Sites (LWS) in this locality; including much of the site (our reps Appendix D page 2D Fig. D1) although a substantial part of this site is dominated by a commercial conifer plantation. It would have been perverse to rely almost entirely on a LWS to derail a plausible mineral interest in what is an extensive area of plateau gravels.

4.0.6 However, belatedly we now find that it was also the absence of additional landscape analysis by the Council that has contributed to the rejection of this site (Annex 5 page 136). This is yet another example of late information and is not conducive to the soundness of the Plan. In any event, how can the site be rejected on landscape grounds if no comprehensive assessment has been done? Such a Council fall-back position also occurs in some of the contender sites (our reps Appendix D pp1D-4D paras D2.1-D2.13).

4.0.7 Instead, we have an allocated site at Tidney that, despite its numerous shortcomings and absence of the necessary rigorous studies, has been promoted in particular because it is said to be 'deliverable'.

5.0 Conclusion

5.0.1 On the face of it, the process of providing representations implies that there is an opportunity to contribute to and perhaps aid the selection of suitable mineral sites.

5.0.2 Although not exclusive to Tidney, it seems that there is an absence of adequately prepared, objective appraisals and too much reliance on the Council's wishful thinking that the relevant background works have been done.

- 5.0.3 Contending sites have fallen away, even though some have considerable merit and the reasons for their rejection have not been fully identified or indeed justified. The necessary Council 'application' has in places fallen short. This is contrary to the aspired process. Rather, we are now faced with a 'Hobson's Choice' in which the emphasised 'deliverable' site of Tidney, is promoted. The site analysis lacks an inventory of objectively conducted appraisals and if the site is adopted, proper scrutiny would be delegated to the planning application stage. Added to this inventory, would be the need for a Transport Assessment and Road Safety Audit with respect to the unsustainable transport of the excavated mineral and importation of inert fill (unless the preferable restoration at low level was accepted).
- 5.0.4 Furthermore, if Tidney is adopted, there would be considerable pressure on the Council to 'rubber stamp' the application, given it is the only sharp sand and gravel site contemplated, despite the numerous receptors that stand to be negatively impacted. Essentially the process that the Council has engaged in does not instil confidence and demands a giant leap of faith.
- 5.0.5 We contend that this is a flawed and unsound process and undermines the need to produce a positively prepared Plan. This prompts considerable concern. The plethora of impacts that would need mitigation if the Tidney site is upheld is considerable and we do not share the Council's optimism that "*appropriate mitigation can be provided*".
- 5.0.6 The fundamental question is whether the Council is compliant in all respects with the statutory requirements in their production of 'The Plan'?

Paul & Victoria Machin