

Sinead McEvoy

From: Chris Tinsley [REDACTED]
Sent: 18 May 2020 15:38
To: DevelopmentPlan@midulstercouncil.org
Subject: LDP Re-Consultation Correspondence
Attachments: QP Correspondence.pdf

Importance: High

Dear Sir/Madam

Further to the letters received from Mid Ulster District Council (MUDC) dated 12th March 2020 in relation to the Re-Consultation on Local Development Plan 2030- Draft Plan Strategy and accompanying Sustainability Appraisal incorporating Strategic Environmental Assessment Report, please find enclosed correspondence from Quarryplan confirming that our previous joint and individual representations may be considered as our Clients' representations to the DPS.

Please see attached for reference, with hard copy to follow in the post.

If you have any queries please don't hesitate to let me know,

Regards
Chris

Chris Tinsley MRTPI
Senior Town Planning Consultant
Quarryplan Limited
10 Saintfield Road
Crossgar
BT30 9HY



Elaine Mullin

From: Chris Tinsley <[REDACTED]>
Sent: 18 April 2019 17:53
To: DevelopmentPlan@midulstercouncil.org
Subject: MUDC LDP Draft Plan Strategy- Tobermore Concrete Representation
Attachments: Tobermore Representation ISSUE.pdf; Representation-Form.pdf

Importance: High

Follow Up Flag: Follow up
Flag Status: Flagged

Dear Sir/ Madam

Please find enclosed representation to MUDC Local Development Plan 2030- Draft Plan Strategy, made on behalf of Tobermore Concrete.

If you have any queries, please do not hesitate to contact me.

Regards
Chris

Chris Tinsley MRTPI
Senior Town Planning Consultant
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10 Saintfield Road
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BT30 9HY
T: [REDACTED]
Mob: [REDACTED]



Submission of a Representation to Mid Ulster District Council Local Development Plan 2030 - Draft Plan Strategy



Comhairle Ceantair
Lár Uladh
Mid Ulster
District Council

Local Development Plan
Representation Form
Draft Plan Strategy

Ref:
Date Received:
(For official use only)

Name of the Development Plan Document (DPD) to which this representation relates

MID ULSTER DC DRAFT PLAN STRATEGY

Representations must be submitted by 4pm on 19th April 2019 to:

Mid Ulster District Council Planning Department
50 Ballyronan Road
Magherafelt
BT45 6EN

Or by email to developmentplan@midulstercouncil.org

Please complete separate form for each representation.



SECTION A

1. Personal Details

Title

First Name

Last Name

Job Title
(where relevant)

Organisation
(where relevant)

2. Agent Details (if applicable)

Address Line 1	<input type="text" value="C/O AGENT"/>	<input type="text" value="QUARRYPLAN LTD
10 SAINTFIELD ROAD
CROSSGAR
CO. DOWN"/>
Line 2		
Line 3		
Line 4		
Post Code	<input type="text"/>	<input type="text" value="BT30 9HY"/>
Telephone Number	<input type="text"/>	<input type="text" value="██████████"/>
E-mail Address	<input type="text" value="████████████████████"/>	

SECTION B

Your comments should be set out in full. This will help the independent examiner understand the issues you raise. You will only be able to submit further additional information to the Independent Examination if the Independent Examiner invites you to do so.

3. To which part of the DPD does your representation relate?

- (i) Paragraph
- (ii) Objective
- (iii) Growth Strategy/
Spatial Planning Framework
- (iv) Policy
- (v) Proposals Map
- (vi) Site Location

4(a). Do you consider the development plan document (DPD) is:

Sound Unsound

4(b). If you consider the DPD to be unsound, please identify which test(s) of soundness your representation relates, having regard to Development Plan Practice Note 6 (available on the Planning Portal Website at https://www.planningni.gov.uk/index/advice/practice-notes/development_plan_practice_note_06_soundness_version_2_may_2017_-2a.pdf.pdf).

Soundness Test No.

TESTS P3; CE1 AND CE2

5. Please give details of why you consider the DPD to be unsound having regard to the test(s) you have identified above. Please be as precise as possible.

If you consider the DPD to be sound and wish to support the DPD, please set out your comments below:

SEE ACCOMPANYING LETTER

(If not submitting online and additional space is required, please continue on a separate sheet)

6. If you consider the DPD to be unsound, please provide details of what change(s) you consider necessary to make the DPD sound.

Please note your representation should be submitted in full and cover succinctly all the information, evidence, and any supporting information necessary to support/justify your submission. There will not be a subsequent opportunity to make a further submission based on your original representation. After this stage, further submissions will only be at the request of the independent examiner, based on the matters and issues he/she identifies at independent examination.

SEE ACCOMPANYING LETTER

(If not submitting online and additional space is required, please continue on a separate sheet)

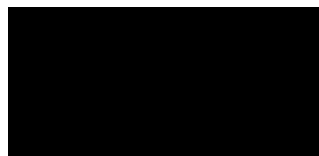
7. If you are seeking a change to the DPD, please indicate if you would like your representation to be dealt with by:

Written Representation

Oral Hearing

Please note that the Department will expect the independent examiner to give the same careful consideration to written representations as to those representations dealt with by oral hearing.

Signature:



Date:

16TH APRIL 2019



File ref: CST/MUDC/DraftPlanStrategy/Tobermore

Quarryplan Limited

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Mid Ulster District Council
Planning Department
50 Ballyronan Road
Magherafelt
BT45 6EN

18th April 2019

Via email: developmentplan@midulstercouncil.org

Dear Sir/ Madam

Re: Tobermore Concrete Ltd representation to Mid Ulster Local Development Plan 2030- Draft Plan Strategy

Further Quarryplan's joint representation made on behalf of a consortium of mineral operators (April 2019), of which Tobermore is a contributor, within Mid Ulster, Quarryplan is instructed by its Client, (Tobermore) to prepare and submit an individual representation to the Draft Plan Strategy (DPS) which is currently the subject of a public consultation. For the avoidance of doubt and to streamline individual submissions we will not reiterate the points made in the joint submission (April 2019), however, it is confirmed that the points made in the submission are the views of the Tobermore and should be recognised as such.

Background

Tobermore began life as a sand and gravel business started by the Henderson family in 1942. The business then diversified into concrete products, which were sold to the local community in the 1950s. In the late 1970s the business became one of the forerunners in manufacturing block paving – or 'Pavia', as it was originally called. Now, more than 75 years later, Tobermore are one of the top paving and walling manufacturers in the UK and Ireland, priding itself on world-class technology and the unrivalled quality of its products.

The company is based at its manufacturing site at 2 Lisnamuck Road, Tobermore, BT45 5QF. Sand and gravel for use in the manufacturing process is extracted from Lough Fea Sand and Gravel pit, 6 Spawell Road, Cookstown.

Mineral Reserve

The operator has identified that the Lough Fea Sand and Gravel Pit currently produces approximately 350, 000 tonnes of sand and gravel from the site for a range of uses, including the associated value-added activities, where the mineral is used in manufacturing processes. As detailed above, the manufacturing process takes place within the Mid Ulster District, therefore supporting manufacturing employment within the district. The resource extracted from Mid Ulster, and the associated concrete

products attracts expenditure from across the UK and Ireland and attracts inward expenditure in to the Mid Ulster district.

The data provided by the operators shows how extraction rates have increased significantly over the past five years, with demand expected to increase yearly by at least 10% over the plan period. The data shows that the supply of permitted reserve is not anticipated to meet demand over the plan period. As a result, the operator had indicated that it will be necessary to expand its extraction operations and associated processing capabilities prior to the end of the plan period.

As detailed further below, it is the client's view that lands surrounding the existing operations should be safeguarded from surface development that would prevent the future extraction of mineral. Furthermore, given the economic contribution that the extraction of sand and gravel in the Lough Fea area has made to the local and regional economy, that it would be appropriate to designate such an area as one which is suitable for future mineral development.

Economic Contribution

As detailed in the accompanying table, the mineral extracted from the existing site at Lough Fea and the higher value-added activities, where the mineral is used in manufacturing processes and other products, provides employment for 268 employees. The company has a wage bill of over £8.5 million. The company has an annual turnover of some £42 million, anticipated to rise to £50 million pounds when accounts closed for this financial year shortly.

The Sand and Gravel Pit site at Lough Fea and the manufacturing site at Tobermore have a combined rateable value of over £250,000 per annum.

The company, therefore, makes a significant contribution to the Mid Ulster Economy. As demonstrated in the joint representation, the evidence base presented by the Council which identifies the contribution of the industry to district, including that of Tobermore, has been grossly undervalued with the Tobermore business alone generating a larger turnover than the 'value' for the whole minerals industry provided within the DPS. The policies contained within the plan are therefore not based upon a robust evidence base and as such, the plan is considered to fail to comply with Soundness Test CE2.

Proposed Mineral Policies

Policy MIN 1 states that:

"Within a Mineral Reserve Policy Area (MRPA), surface development which would prejudice the future extraction of minerals, shall not accord with the Plan".

The DPS states that the aim of MRPA's is to protect minerals which have important economic benefits. As outlined above, the policies within the plan are not based upon a robust evidence base, therefore the economic contribution of the areas identified as MRPA's (apart from the Limestone deposit at Cookstown) is questionable.

As demonstrated above and in the joint representation, the economic contribution that the extraction of sand and gravel from the sites at Lough Fea extends throughout Mid Ulster and in to other districts in Northern Ireland.

No detail is provided within the plan as to how this mineral resource, which clearly generates economic benefits, will be protected from surface development which could impact its future likelihood to deliver this important resource. Please find enclosed a plan which details potential future extension lands/ areas that the Tobermore business would like to see safeguarded from alternative surface development.

Given the economic contribution, the safeguarding of the resource is considered to be a reasonable alternative to the proposed policy however no assessment of the same has been undertaken within the Council's Sustainability Appraisal/ Strategic Environmental Assessment (SA/SEA).

Furthermore, as detailed within the joint representation, the Council has utilised its discretionary powers in order to take an approach whereby no area will be identified as potentially suitable for future minerals development. Given the availability of the sand and gravel resources and the clustering of existing extractive operations at Lough Fea, it is considered that this area is ideal for identification for such a designation. No assessment of such an alternative has been considered within the SA/SEA.

As detailed in the joint response, the Council's approach to not designating such areas is considered to be insular and prohibitive, particularly in the light that mineral can only be worked where it is found and that the district is by far the single biggest sand and gravel producer in Northern Ireland.

As a result of the above, the policy is considered to fail to comply with Soundness Tests P3, CE1 and CE2.

Policy MIN 2 states that:

"In Areas of Constraint on Mineral development ('ACMD') the extraction and processing of hard rock and aggregates will conflict with the Plan...elsewhere, extraction and processing of hard rock and aggregates will conform with the Plan, subject to environmental and transportation considerations".

Our client welcomes the fact that its site at Lough Fea site has not been identified within the proposals maps as an ACMD. As detailed within the joint response, our client is opposed to the designations of ACMD's until such times as the Council has a robust evidence upon which to base any future designations. As detailed in the joint response, the existing evidence base is inadequate.

As a result, the policy is considered to fail to comply with Soundness Tests CE1 and CE2.

As outlined separately within the joint submission Tobermore have asked us to comment on the elements of proposed Policy MIN 2 that are of particular concern to them and request that we emphasise the contradictory wording of the policy which indicates that such development will conform with the plan and therefore a presumption in favour of mineral development exists, whilst setting a higher bar than is prescribed in the SPPS which seeks a balanced approach to mineral decisions, whereas the policy introduces the requirement for a precautionary approach.

This approach is unjustified, and no assessment has been provided as to the introduction of this approach and why the Policy should run contrary to the SPPS.

The Policy MIN 2 goes on to states that

"A precautionary approach will be adopted to assessing mineral development and therefore the onus will be on the developer to demonstrate that development will not.....and provides assessment criteria a-g):

b) states that the onus will be on the developer to demonstrate that development will not:

"Result in undue harm or loss to protected species or contribute to significant biodiversity loss";

It is considered that this criterion does not accord with Paragraph 6.192 of the SPPS.

Furthermore, the introduction of the term "significant biodiversity loss" under MIN 2 has no basis or definition in guidance and is considered will add confusion rather than clarifying the existing difficulties encountered in interpretation of PPS2 and in particular NH5 policies. The Local Development Plan Strategy provides an opportunity to provide clarity of interpretation and the

introduction of undefined tests without justification or assessment within the supporting SEA is unsound.

As a result, the policy is considered to fail to comply with Soundness Tests CE1 and CE2.

Policy ECON 2- Economic Development in the Countryside

Policy ECON 2 relates to development in the countryside. The policy states that proposals for economic development in the countryside will conform with the Plan for:

“c) Development within Tullyvannon and Desertcreat Rural Industrial Policy Areas or a designated Rural Industrial Policy Area in the Local Policies Plan providing it accords with any uses and requirements identified in the Local Development Plan”.

Tobermore currently operates a manufacturing site at 2 Lisnamuck Road, Tobermore. Due to the presence of the established manufacturing businesses in this area, it is considered to be one such area which would be appropriate for allocation as a Rural Industrial Policy Area (RIPA). The Tobermore manufacturing site has driven enterprise in the area; significantly boosted local employment and increased local expenditure.

In designating this area as a RIPA, it will encourage the sustainable growth of the existing manufacturing site within this part of the district, ensuring that the businesses can continue to deliver the local economic benefits identified above and encourage the clustering of supply chain and other associated businesses to the area.

The Council’s failure to assess allocating this area as a RIPA as a reasonable alternative to the proposed policy, is considered to be a shortcoming in the SA/ SEA process.

Policy ECON 2 also states that proposals for economic development in the countryside will conform with the Plan:

“Where there are existing quarries, outside of areas designated for their nature conservation, heritage or landscape value, favourable consideration can be given to a directly related industry e.g. cement / concrete works or glass manufacture”

Our client welcomes provision within Policy ECON 2. It is noted that the policy relates only to development at existing quarries. Associated industry sites such as that operated by Tobermore at Lisnamuck Road is located away from the point of extraction. Whilst the manufacturing site is not located at the pit site, it provides an important facility which directly benefits the Mid Ulster economy. It is sites such as that at Lisnamuck Road which Tobermore believe should also be afforded suitable policy provision in terms of favourable consideration for development directly related to the minerals industry.

Whilst Tobermore supports the provision within the policy of giving favourable consideration to directly related industries, this provision also needs to be extended to sites which are located at sites away from the extraction site where the mineral is won.

The proposed IRPA designations fail to safeguard existing rural industrial areas which are well established, and which generate a range of positive economic benefits. The area at Lisnamuck Road is one such area which has not been identified within the designation or considered as a reasonable alternative within the SA/SEA.

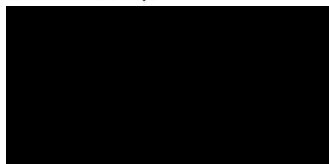
As a result, the proposed policy fails to set out a coherent strategy with directly related industrial sites often located away from the mineral point of extraction. The policy is not considered to be founded on a robust evidence base and therefore fails to comply with Soundness Tests CE1 and CE3.

Soundness

For the reasons set out within this individual representation and detailed within the joint representation, submitted under sperate cover, our clients consider the plan to be **unsound**, based upon its failure to comply with a number of the soundness tests, specifically Tests P3, CE1 and CE2.

I trust that the above is acceptable, however, if you wish to discuss any of the same please do not hesitate to contact me.

Yours sincerely,



Chris Tinsley MRTPI
Senior Town Planning Consultant
Enc

Site Address	Operator Name & HQ	Aggregate Extracted since commencement	Yearly Extraction rate	Remaining Reserves	Demand up until 2030 (2019-30)	Time remaining on Existing Planning	Extension Potential	Do You intend to expand this site before 2030
Tobermore Concrete Products Ltd. Lough Fea Quarry 6, Spawell Road, Cookstown. Co. Tyrone BT80 9TT	Tobermore Concrete Products Ltd. 2, Lisnamuck Road, Tobermore. Co. L'Derry BT45 5QF	Extracting since foundation of company in 1942, Estimated to have extracted 12-15 Million Tonnes	Jan-Dec 2012 161,210.65 Gross (+10%) Jan-Dec 2013 177,602.02 Gross (+27%) Jan-Dec 2014 226,811.26 Gross (+19%) Jan-Dec 2015 269,813.56 Gross (+4%) Jan-Dec 2016 280,672.77 Gross (+24%) Jan-Dec 2017 347,880.94 Gross (+1%) Jan-Dec 2018 352,627.72 Gross	10,000,000 - 1,469,991 =8,563,009	2019 +15% 2020 +15% 2021 +15% 2022 +12% 2023 +12% 2024 +10% 2025 +10% 2026 +10% 2027 +10% 2028 +10% 2029 +10% 2030 +10%		Yes- potential for lateral or vertical extensions during the plan period, however area is constrained by the presence of the proposed ACMD	Yes

Other Info

Turnover: April 2018 = **£42.9 Million** (forecast April 2019 = **£50 million**)

No. of staff employed: **268 No.** = (Extraction) **10 No.** + (Manufacturing) **107 No.** + (Sales/Admin) **151 No.**

Annual Wage Bill: April 2018 = **£8.5 Million** (forecast April 2019 = **£9.2 Million**)

Annual Rateable Value: Lough Fea sandpit (rate assessment for period 01 Apr 2018 to 31 Mar 2019)

Sand pit and buildings/ workshop = £74,286

Main Office and Factory = £175,768



On behalf of:
Tobermore Concrete Products Ltd

Date: **09/04/19**



Notes: Bing Aerial Imagery

Legend

-  Proposed Extension Lands/
Areas to be safeguarded
from surface development
-  Existing Extraction Sites



Contains OS Data © Crown copyright
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Title: Tobermore Concrete Ltd

Scale: 1:2,500 @A3

Dwg. No: 001

Drawn By:
CST

Date:
16/04/2019