

Michael McGibbon

From: shane bradley [REDACTED]
Sent: 19 April 2019 15:59
To: DevelopmentPlan@midulstercouncil.org
Subject: Local Development Plan – Draft Plan Strategy consultation
Attachments: Local Development Plan – Draft Plan Strategy consultation.odt

Please find attached

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Love Screen, Stop Mining

I find the Development Plan unsound for reason stated below.

I would like a written and verbal hearing.

Having looked at the ‘Local Development Plan 2030 – Draft Plan Strategy’ for Comhairle Ceantair Lár Uladh/ Mid Ulster District Council, there a number of issues that raise a lot of concern, most notably the extraction of minerals. With mention of phraseology such as ‘where such value metalliferous minerals are found, there will not be a presumption against their exploitation in any area’ and ‘some extraction methods used in the extraction of high value metalliferous can involve the use of chemicals such as cyanide’ it would seem that looking after the rights and welfare of citizens of Mid Ulster area, not to mention the environment or scenic landscape, will play second fiddle to the rights of those on intent on exploiting the land and natural resources. In attempting to address the issues in the ‘Local Development Plan’ there has been a major obstacle placed in the way in terms of the soundness test. It is almost as if test has been design to exclude the average citizen, that the answer to any of possible concerns has been codified beyond layman’s terms. Having attended the drop in session in Draperstown on the 11/03/19 there was never any mention of the soundness test, even though myself and other members of the pubic try to get ask questions on several occasions of the staff present about the best way to approach issues in the Draft Plan. In saying this I will try my best to comply with the method, this is a nye on impossible task for someone who has never engage in such practice before. Though this doesn’t mean, my concern hold less weight or that they should be ignored.

Minerals

Overview.

14.1/14.2, Although in the first paragraph 14.1 there is some emphasis on conservation, protecting the landscape and scientific interests, it is generalised and quite vague. It seems pale in comparison to the emphasis on extracting our natural resources in the second the paragraph 14.2 which is over twice as long and goes into very specific detail, with facts and figures around employment and so on. It already it seems like the draft plan is heavily biased toward exploiting our natural resources.

14.3/14.4, Paragraphs 14.3 and 14.4 talk about the benefit of mineral extraction in terms of money to be made, in other wise profit and significance of the construction industry as an employer.

14.5, Although this paragraph does mention the many areas high landscape quality including the Areas of Outstanding Natural Beauty (AONB) this in only let us know that these remote rural areas are where the mineral deposits are. Therefore the extraction of minerals can often occur in areas where their visual impact has the potential to be greater.

Considering this overview, I think it is safe to say the impartiality of those who drew up the Draft Plan is already out the window. It seems business and profit over human rights and our environment is the most important consideration of MUDC.

Regional Policy Context

14.6 ‘Strategic planning policy objectives state that mineral development should be facilitated whilst also balancing this against the need to protect the environment’ it goes on to mention things like mineral extraction will have a minimal impact on communities, landscape quality, water environment, built and natural heritage and so on, without qualifying how this will happen or how it will be regulated.

14.7, ‘Strategic policy also states that we may identify areas of most suitable for mineral development. In relation to valuable minerals, strategic policy that there should not be a presumption against their exploitation in any area.’ Though it goes on to say there might possible restriction. This sounds like mineral extraction will have priority.

Strategy

14.9, Council strategy identify ‘Areas of Constraint on Mineral Development’ in places of scientific, landscape and heritage value. Although there will be circumstances where mineral exploitation will be permitted in such areas.

14.10, Will protect mineral deposit areas known as Mineral Reserve Policy Areas (MRPA). Within these areas there will be no permitted surface development. In other words nothing can be built on such areas.

14.11 The council reaffirms their commitment extraction, though places the onus on the developer to show any possible significant harm, in other words mining companies and so on will police themselves.

Policy MIN 1 - Mineral Reserve Policy Areas (MRPA)

This states that nothing can be built on Mineral Reserve Policy Areas (MRPA).

Policy MIN 3 – Valuable minerals and hydrocarbons

Justification and amplification

14.19, Talks about the economic benefits if exploiting high value metalliferous minerals, such as gold out of our landscape.

14.20, ‘Where such high value metalliferous minerals are found, there will not be a presumption against their exploitation in any area’ again confirming there will be no limit to the gold bonanza!!

14.21, Talks about the use of chemicals such as cyanide in such processes. With any detail about this will be regulated.

14.22, Talks about hydrocarbon extraction such as fracking. It says such processes along chemical mineral extraction processes will not go ahead unless it can proven that there will no negative impact on safety or human health. Does state how this will accessed or to what regulatory code.

The rest of the chapter talks about peat extraction, restoration of mineral sites and mine shafts and adits.

Soundness test failed: P3, C2, CE2, CE3, CE4

There needs to be a moratorium on new extractive projects until all the following criteria are met: (a) A cumulative assessment on the impacts of all extractive industries in your Council area is carried out to develop a scientifically accurate baseline against which all future Environmental Impact Assessments for extractive industries can be reliably assessed (b) You carry out a review of extant consents for extractive industries to comply with the legal requirements under Regulation 45, 46, 50, 51 of The Conservation (Natural Habitats, etc.) Regulations (Northern Ireland) 1995 to ensure compliance with Article 6 of the Habitats Directive (c) An objective assessment is carried out of existing unregulated and unassessed extractive industries in your Council area to enable you to assess: - strategic need for further extraction - current volumes of extracted material (please note the annual minerals statement is not up to date and industry claims require independent verification) - human rights of communities affected by the industry - social impacts - economic impacts - environmental impacts (d) An independent economic assessment is carried out to assess the benefits and disbenefits of extractive industries that addresses at all issues including: - bonds for councils - restoration planning - clean-up costs - contribution to local economy - economic damage to other industries - impacts on road infrastructure, public health, impacts of unlawful extraction on lawful businesses, etc - benefits and disbenefits of existing extraction (e) Art 18 of the Quarries Order (NI) 1983 requires a return to be made each year by quarries. Until this is carried out and the figures assessed by your Council it is premature to approve any new quarries without objectively validating current extraction and strategic need (f) ROMPS – The Review of Old Mineral Permission is carried out either by the Department for Infrastructure or a similar exercise independently by your Council (Planning Act (NI) 2011 Schedule 2 and Schedule 3) (g) An assessment of human rights impacts of existing and proposed extraction addressing - Access to information, participation and access to justice/redress - Right to life - Right to pursue land-based livelihoods - Right to food, water, housing - Right to health - Children's rights - Cultural rights We also insist that the Council should adopt a policy against the granting of retrospective permissions to extractive activities. Unauthorised EIA development can never be approved retrospectively.

Health

Health or health care is major concern in Mid Ulster. Local services in terms of healthcare could at best be describe as inadequate. Magherafelt hospital has limited services and is only open during office hours, it provides a service more like a clinic rather than hospital. With Draperstown in centre there is almost a 50 mile radius to an out of hours hospital services, an ambulance can take up to an hour before it would arrive in Draperstown, not to mention the rural out lying rural areas around it.

9.1, This paragraphs the lacks services in the area, in terms of A&E and acute services and so on.

9.2, Sadly shows that Mid Ulster has a higher than average proportion of deaths in N.Ireland of cancer, circulatory and respiratory diseases. It highlights the need to establish healthcare services.

What this reports fails to mention is the deaths through suicide, lack mental health provision or proper counselling. There has been campaigns such as '#123GP' to get local GP's surgeries to have counselling service, something which there is already funding for, but GP's for some reason don't avail of the offer. There is also the roll out of universal credit, which is taking place across one council area after another, this has been shown to have adverse effect on the most vulnerable people in society. With 'Citizens Advice' centres being shut down there is no official centre for to get the

help or advice they need. If the Sperrins area is going to be industrialised there is no where near the health infrastructure to deal with this.

Soundness test failed: P3, C2, CE2, CE3, CE4

The protection of the environment and human rights should be core minimum policies for the regulation of this sector through the planning regime. Learning from international best practice, we believe your policies should: a) Develop an overarching resource vision that transforms wealth into inclusive sustainable development. Whether to extract or to leave resources in the ground requires questioning of the environmental, social and human rights costs and benefits for the country and future generations b) Ensure a new mineral resource ownership strategy with the Department for the Economy and the Crown Estates is established and how these mineral rights align with other surface rights to land c) Strengthen coherence and coordination with other regulatory bodies such as GSNI, Public Health Agency, NIEA and transboundary agencies from the Republic of Ireland d) Improve enforcement by your Council for existing extractive industries especially existing unauthorised activities which are significant e) Access to information, public participation and access to justice as required by the Aarhus Convention is a foundation to be established before new consents are issued. This will provide transparency and ensure an informed public can participate in decision making and provide mechanisms to hold decision makers to account f) A comprehensive strategy on restoration, financial bonds, and aftercare needs to be established g) To give certainty and security to other land uses and the human rights of others, the Council must address what are the acceptable distances of different types of extractive industries in relation to housing, farming, other land uses, schools and communities h) You will be aware of the UK commitment to the UN Sustainable Development Goals. I refer you to Extracting Good Practices from the United Nations Development programme. International best practice should evidently inform the Council's Mineral Policies.

In anticipation of the outcome of the Department for Infrastructure's consultation on the issue of permitted development, we feel it is necessary to draw the Council's attention to concerns which have not been taken into account when considering Permitted Development Applications in respect of applications that fall under parts 16 and 17 of The Planning (General Permitted Development) Order (Northern Ireland) 2015 (GPD0). Where any development is identified in either of the Schedules to the Planning (Environmental Impact Assessment) Regulations (Northern Ireland) 2017 and an Environmental Impact Assessment is applicable, Permitted Development rights do not apply (see Article 3(8)(b)(i) of the GPD0). This provision states that permitted development is not granted in respect of developments of a description mentioned in column 1 of the table in Schedule 2 to the EIA Regulations where any part of the development is to be carried out in a 'sensitive' area. 'Underground mining', 'deep drilling' and 'surface industrial installations' are all mentioned as activities within column 1 of the table in Schedule 2 to the EIA Regulations. Moreover, the Sperrins is classed as a 'sensitive' area within the meaning of the legislation due to the fact that it is both an Area of Outstanding Natural Beauty and in the proximity to an SAC within the meaning of regulation 9 of the Conservation (Natural Habitats) etc Regulations (Northern Ireland) 1995. Accordingly, Permitted Development rights should not be granted in respect of such activities within the Sperrin Mountains without an EIA screening and a screening under article 6.3 of the Habitats Directive. It is clear that the cumulative impacts of exploration of metalliferous minerals require both a full Habitats Regulations assessment and an EIA. Furthermore, the basic aim of permitted development is to exclude relatively minor and noncontentious development proposals from the requirement to obtain planning permission and to allow the planning department to concentrate on more contentious applications that may have greater impacts on amenity and the

environment. In a comprehensive report to the Department regarding General Development Order in 2003, Nathaniel Litchfield and partners wrote, “permitted development should only be given to development which is marginal and incidental to existing uses of land”. It is indisputable that exploratory mineral mining is not marginal nor incidental.