

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: 19 April 2019 09:17
To: DevelopmentPlan@midulstercouncil.org
Subject: FW: MUDC LDP Draft Plan Strategy- P Keenan Representation
Attachments: Keenan 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 P Keenan.

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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T: [REDACTED]
Mob: [REDACTED]



2019/04

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"/>
Line 2		<input type="text" value="10 SAINTFIELD ROAD"/>
Line 3		<input type="text" value="CROSSGAR"/>
Line 4		<input type="text" value="CO. DOWN"/>
Post Code	<input type="text"/>	<input type="text" value="BT30 9HY"/>
Telephone Number	<input type="text"/>	<input type="text" value="REDACTED"/>
E-mail Address	<input type="text" value="REDACTED"/>	

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:

File ref: CST/MUDC/DraftPlanStrategy/PatrickKeenan



Quarryplan Limited

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

8th April 2019

Via email: developmentplan@midulstercouncil.org

Dear Sir/ Madam

Re: Patrick Keenan representation to Mid Ulster Local Development Plan 2030- Draft Plan Strategy

Further to the joint representation made on behalf of a consortium of mineral operators, of which P Keenans were a contributor, within Mid Ulster, Quarryplan is instructed by its Client, Patrick Keenan, 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, however, it is confirmed that the points made in the submission are the views of the Keenan and should be recognised as such.

Background

Patrick Keenan is a family owned and managed business, established in the early 1940's by the late Patrick Keenan "Patsy", of Leitrim Castledawson, who registered as a Government Road Contractor on the 1st March 1944. Since then the business has developed to be amongst the leaders of its industry, providing customers with high quality, value and service backed by many years of experience.

The business a provider of asphalt and Bitmac surfacing products and quarry products, providing road surfacing, civil engineering and surface dressing services to arrange of clients across Northern Ireland, including local Councils and DFI Roads.

The business operates a number of sites across Northern Ireland, two of which are located within the Mid Ulster District:

- Corvanaghan Quarry, 29 Corvanaghan Road, Cookstown, Co. Tyrone BT80 9TN
- Rocktown Quarry, 35 Rocktown Road, Knockloughrim BT45 8QE

Mineral Reserve

Patrick Keenan currently owns and operates the two quarries named above. Corvanaghan Quarry produces a High Quality, Quartz Aggregate, which is highly regarded for its quality in Road Construction and surfacing layers. As detailed in the accompanying table, the quarry has a current extraction rate of c. 100,000 tonnes per annum, with an estimated remaining permitted reserve of c. 600,000 tonnes.

The business has identified demand of some c. 1.5 million tonnes over the course of the plan period and as such, will require an extension to the existing quarry, in order to allow the business to satisfy demand over the plan period.

Planning permission was granted by MUDC in September 2018 for a proposed lateral extension to the quarry in a northerly and easterly direction (Planning Application Ref: LA09/2017/1410/F). As detailed within the planning application package, the approved extension is considered to form a short-term extension in the context of the life span of the existing quarry site, providing an extension to the permitted extraction area, allowing the operations at the site to continue at the site.

This is a position that is considered to be understood by the Council and is evidenced by the formal pre-application communications regarding the extension proposals, which have been the subject of pre-application consultation in the form of an EIA Screening Request (Reference I/2012/0308/DETEIA). An opinion was issued by DOE Planning Service in February 2013 which confirmed that any planning application would be required to be accompanied by an Environmental Impact Assessment (EIA).

The proposed development, detailed in the screening/scoping exercise included the proposed deepening of the quarry floor and extension of the working area in an easterly direction, extending the quarry by c. 6ha. The proposals sought to deepen the quarry floor depth to c. 180m AOD and introduce water management features at the site.

Given the anticipated demand, it is the client's intention to submit a full planning application in order to increase the permitted reserve at the quarry, the proposed development will include a lateral eastern extension. It is therefore considered prudent that this area is protected from any surface development which would prohibit the future extraction of this mineral, with the extension proposals identified and assessed within the Council's evidence base and reflected within the LDP.

The final design and extent of the proposals have not yet been established with technical studies ongoing, however in order to facilitate the development of the quarry, a plan is enclosed which highlights lands that the Department were previously advised constitute the proposed resource area and which should be protected from adjacent surface development and acknowledged within the LDP as a future extension area, required to facilitate the supply of mineral from the site.

In terms of Rocktown Quarry, the site is currently dormant, however dependent upon market conditions, it is anticipated that the site will become active again during the plan period. The site should therefore be identified in the LDP with its environs protected from future development which would conflict with the operations at site.

Economic Contribution

As detailed above and in the accompanying table, operations from the client's sites at Corvanaghan and Rocktown Quarry provides employment for 96 employees within the Mid Ulster district. The company has an annual turnover of some £8 million.

The quarry sites at Corvanaghan and Rocktown Quarry have a combined rateable value of over £20,000 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 Patrick Keenan, has been

grossly undervalued with the Patrick Keenan business alone generating a turnover, or valued contribution, that constitutes approximately 60% of the MUDC's declared '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, the economic contribution that the extraction of mineral from the site at Corvanaghan 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. As detailed above and understood by the Council, it is the intention to extend the existing quarry at Corvanaghan and as such, the potential resource and the extension lands should be appropriately identified and safeguarded within the LDP.

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, the Council has utilised its discretionary powers in order to take an approach whereby no areas at all have been identified as potentially suitable for future minerals development. Given the restricted availability of supply, given the locational constraints of minerals, surface development, designated sites and habitat constraints and the predicted demand over the plan period, it is considered that this area could be identified for such as designation. No assessment of such an alternative has been considered within the SA/SEA, specifically for this site or indeed on Council wide basis has been undertaken for areas suitable for mineral development despite similar zoning for other forms of development that are less restricted by location.

As detailed in the joint response, the Council's approach to not designating such areas is considered to be insular and prohibitive, particularly in light of the fact 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 both its sites at Corvanaghan Quarry and Rocktown Quarry have 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 upon. As detailed in the joint response, the existing evidence base is inadequate.

As outlined separately within the joint submission Patrick Keenans have asked us to emphasises their concerns regarding 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 and why the Policy should run contrary to the SPPS.

Furthermore, the introduction of the term "significant biodiversity loss" under MIN 2a) 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 undefined tests without justification or assessment within the supporting SEA is unsound.

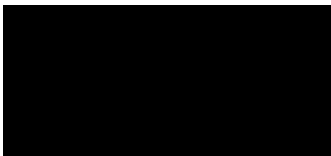
As a result, the policy is considered to fail to comply with Soundness Tests CE1 and CE2.

To conclude further consideration of the true value / contribution to the Mid Ulster Economy by the Council is encouraged before moving on to the next stage, given that the figure of £13.2M quoted is so far removed from the reality that it cannot reasonably be relied upon as being evidentially sound. Upon establishing an accurate picture regarding Value / Contribution of the Mineral Industry within Mid Ulster the Council are encouraged to consider extending proposed designations to protect against alternative forms of surface development and the proposition of Area Suitable for Mineral Development commensurate with the actual contribution derived from the resource, from which all subsequent prosperity is derived.

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
Corvanaghan Quarry 29 Corvanaghan Rd. Cookstown Co. Tyrone BT80 9TN	Patrick Keenan	Not Known	100,000tpa	600,000 tonnes	1.5MT	Main site not time limited	Yes see I/2012/0308/DETEIA, scoping request and determination. Plan attached.	Yes EIA studies underway.
Rocktown Quarry 35 Rocktown Road Knockloughrim BT45 8QE	Patrick Keenan	Not known	Currently Dormant H/1979/0206	1MT approx		Site not time limited		Intend to reopen during the plan period.

Other Info

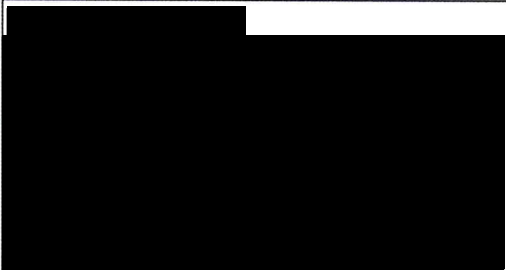
Turnover: £ £8,000,000

No. of staff employed: 71 (Extraction)

25 (Manufacturing/Asphalt laying and production)

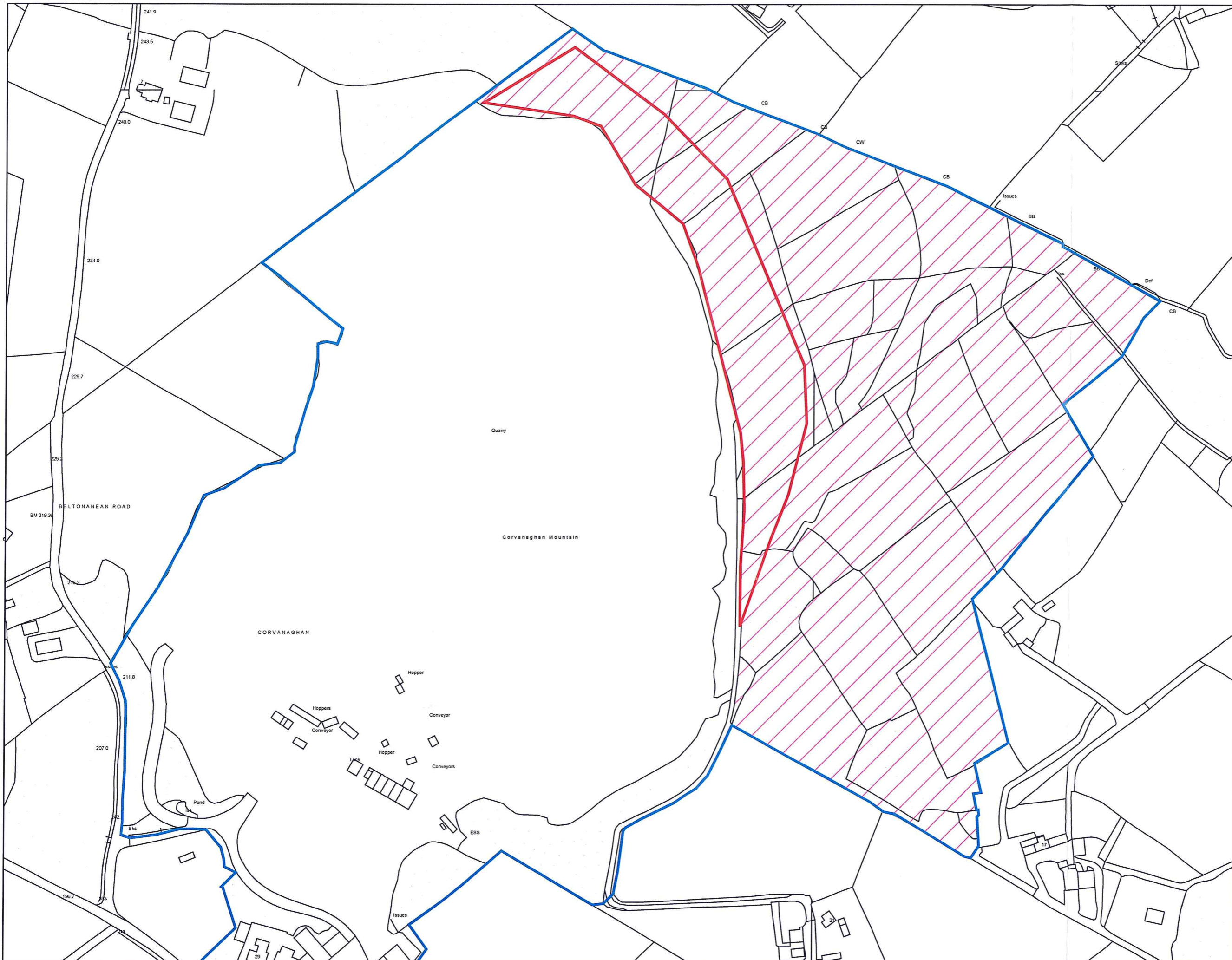
Annual Wage Bill: £ n/a

Annual Rateable Value: £ £20,000



On behalf of: P.Keenan

Date: 10/4/19



 Planning Application Boundary- Application Ref LA09/2017/1410/F

 Land under the control of the Applicant

 Lands to be safeguarded for future lateral extension



Quarryplan Limited
 10a Vale Road
 Crossgar
 Downpatrick
 BT30 9JN
 T: 028 44 832904
 e: [REDACTED]

Corvanaghan Quarry Potential Extension Lands

FILE NAME & LOCATION	
DRAWN BY	DATE
CST	15 April 19
DRAWING No.	SCALE
170821-Dwg-01	1:2500