

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 18:46
To: DevelopmentPlan@midulstercouncil.org
Subject: MUDC LDP Draft Plan Strategy- Northstone (NI) Ltd Representation
Attachments: Northstone 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 Northstone (NI) Ltd.

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]
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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	<input type="text"/>
First Name	<input type="text"/>
Last Name	<input type="text"/>
Job Title (where relevant)	<input type="text"/>
Organisation (where relevant)	<input type="text" value="NORTHSTONE (NI) LTD"/>

2. Agent Details (if applicable)

<input type="text" value="MR"/>
<input type="text" value="CHRIS"/>
<input type="text" value="TINSLEY"/>
<input type="text" value="SENIOR PLANNING CONSULTANT"/>
<input type="text" value="QUARRYPLAN LTD"/>

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).

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:

17TH APRIL 2019



File ref: CST/MUDC/DraftPlanStrategy/Northstone

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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: Northstone (NI) Ltd 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 within Mid Ulster, of which Northstone (NI) Ltd were a contributor, , Quarryplan Ltd is instructed by its Client, Northstone (NI) Ltd ('Northstone'), 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 Northstone and should be recognised as such.

Background

Northstone (NI) Limited is the largest construction and building materials group in Northern Ireland. The business is structured in to three operational divisions namely Farrans, Northstone Materials and CUBIS Systems which form a vertically integrated business. Northstone (NI) Limited is a wholly owned subsidiary of CRH plc, the international building materials group, employing in the region of 100,000 people, CRH plc is now the second largest building materials group in the world.

Northstone Materials Division has been supplying concrete and quarry products to the construction Industry for over sixty years to customers throughout the UK and Ireland. The Northstone company name was established in 2005 when the existing companies of Scott (Toomebridge) Ltd, Ready Use Concrete Co Ltd and R J Maxwell and Son Ltd came together to further enhance customer service.

Over the years the company has grown through developing new and existing markets and acquiring complementary businesses. This sustained growth has now created a business with over 50 locations.

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

- Gregg's Pit, Cullion Road, Ballybriest, Draperstown; and
- Carmean Quarry, 18 Carmean Road, Moneymore BT45 7UT.

In addition to the above, Northstone has a number of manufacturing and other "value added" sites associated with the working of minerals through the Mid Ulster district including a Concrete Depot at Ballygawley and a tile manufacturing site at Toome.

Northstone is also one of the five sand trading businesses of Lough Neagh which came together to form a limited company in 2015 (Lough Neagh Sand Traders Association Ltd) to enable a collegiate, comprehensive and coordinated response to the planning and regulation of the sand extraction, processing and trading activity which has been ongoing for the past seven decades. Sand dredging is recognised by Lough shore communities as an established feature of the life of the Lough and its surrounding environment. LNST regard this interaction with the planning system as part of their ongoing commitment to the responsible and sustainable management of the Lough, as a long standing indigenous stakeholder in its past, present and future.

Whilst the process of extraction of minerals (sand and incidental gravel) from the bed of the Lough is well established and has been recognised by successive planning authorities for many years, it does not have planning permission.

The extraction of sand from the Lough is the subject of a deemed planning application before the Planning Appeals Commission and a planning application currently under consideration by the Department for Infrastructure (DfI) under the Planning Application references (2015/E0023-28) and LA03/2017/0310/F respectively. A decision is currently awaited and in the interim, mineral is extracted from the Lough in accordance a number of interim measures issued and closely monitored by the DfI.

Northstone operates a number of sites for the landing and processing of mineral extracted from the Lough at:

- Creagh Road, Toome (2 sites, Mid Ulster District);
- Loughview Road, Ballyginniff (Antrim and Newtownabbey Borough); and
- Shore Road, Sandy Bay (Lisburn and Castlereagh City Council).

Mineral Reserve

Greggs Pit produces sand and gravel. As detailed in the accompanying table, the quarry has a current extraction rate of c. 110,000 tonnes per annum, with an estimated remaining permitted reserve of c. 3.2 million tonnes. The supply of mineral from the site is therefore anticipated to meet demand over the plan period, however this is dependent upon any potential increase in demand and the continued availability of Lough Neagh resource.

Carmean Quarry produces c. 100,000 tonnes of limestone per annum and has some 200,000 tonnes of Basalt resource remaining which constitutes the overburden in this instance. The operator has identified that if demand increases, that an extension to the existing quarry will be required in order to satisfy demand over the plan period.

In reaction to any increase in demand, extension to both sites may be necessary to increase the permitted reserves. It is therefore considered prudent that the areas surrounding both sites are protected from any surface development which would prohibit the future extraction of this mineral, with the areas identified and assessed within the Council's evidence base and reflected within the LDP.

Plans are enclosed which highlight lands which should be protected from adjacent surface development and acknowledged within the LDP as potential future extension areas, required to facilitate the supply of mineral from the site.

Economic Contribution

As detailed above and in the accompanying table, operations from the client's sites in Mid Ulster (both extraction and associated manufacturing) provides employment for 93 employees, resulting in an annual wage bill over £3.33 million. The operations within Mid Ulster produce a turnover of some £27.55million.

The mineral extracted in Mid Ulster is used at the client's manufacturing sites across Northern Ireland in the likes of concrete product manufacturing and asphalt production, supporting an additional turnover of some £10.7 million.

The company, therefore, makes a significant contribution to the Mid Ulster Economy with the resource extracted from within Mid Ulster generating significant turnover elsewhere in the region. 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 Northstone, has been grossly undervalued with the Northstone business alone generating a turnover, or valued contribution, which exceeds 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 Northstone's sites within Mid Ulster extends throughout the district and in to other districts in Northern Ireland.

No detail is provided within the plan as to how the mineral resources, which clearly generate economic benefits, will be protected from surface development which could impact their future likelihood to deliver these important resources. As detailed above, extensions to the existing sites at Greggs Pit and Carmean Quarry are likely to be required in the next plan period 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 resources 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 the area at Lough Fea could be identified for such a designation. No assessment, of such an alternative has been considered within the SA/SEA, specifically for this site or indeed on a 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 Greggs Pit and Carmean 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. As detailed in the joint response, the existing evidence base is inadequate.

As outlined separately within the joint submission, Northstone have asked us to emphasise 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.

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):

a) Prejudice the essential characteristics of a site of international / national or local nature conservation importance including ASSI's, SAC's, SPA's and local /national nature reserves or other heritage interests";

The wording used is overtly prescriptive and is not reflective of regional planning policy. The policy categorises local designation (e.g. SLNCl's) with European sites and introduces a new test for European designated sites. The approach is confused, imprecise and contradicts regional guidance for others.

For example, paragraph 6.175 of the SPPS states that

"Development proposals are restricted where they are likely to impact upon the integrity of European or Ramsar sites as these are afforded the highest form of statutory protection".

The phrase "essential characteristics" is not used anywhere within the SPPS when detailing policy with regards to local, national or international designations.

Paragraph 6.158 of the SPPS states that:

"Minerals development within or in close proximity to an area that has been designated (or is proposed for designation) to protect its landscape, scientific or natural heritage significance will not normally be granted permission where this would prejudice the essential character of the area and the rationale for its designation".

The SPPS is therefore a two-part test as it states that planning permission will **not normally be granted** where this would prejudice the essential character of the area and the rationale for its designation. Thus, the existing SPPS policy is considered to have the potential to permit exceptional cases.

The proposed wording has unreasonably become more prescriptive by removing the reference to “not normally” and lacks clarity and fails to comply with regional planning policy.

Criterion b) of draft Policy MIN2 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”;

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

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

Policy SCA 1- Special Countryside Areas

The plan introduces Special Countryside Areas (SCA’s) in order to protect the quality and amenity value of these landscapes. Proposed SCA designations are proposed along the shore of Lough Neagh/Beg. Within the SCA’s there will be a presumption against all new development except for ancillary open development relating to appropriate recreation / open space uses, which have been demonstrated to be in the wider public interest; or in-situ replacement of an existing building of a similar size and character; or communications apparatus to serve a recognised ‘not spot’.

It is noted the DPS, at paragraph 14.17 states that:

“The Special Countryside Area around the shores Lough Neagh introduces a tight constraint on all development including mineral extraction in recognition of its landscape qualities and the international importance of this wet land. Whilst the shores are designated an SCA and are therefore protected from extraction the Plan has not introduced a SCA on the Lough, which has historically been used for sand dredging. This activity is subject to a regionally significant application being dealt with by Department of Infrastructure. Mid Ulster District Council will review the approach to extraction in light of the outcome of that application. In the interim the Lough continues to be afforded protection by other statutory bodies through the various environmental designations that have been placed on it by virtue of the RAMSAR, SPA and SAC and ASSI designations”.

It is welcomed that the lough and Northstone’s landing points for the unloading and processing of sand extracted from the bed of the lough, to the south west of Toome are excluded from the SCA. Given the importance of these sites to the operations on the Lough, it is imperative that the sites are not included within such a prohibitive designation.

The landing points provide important physical infrastructure for delivering the benefits associated with the extraction of sand from Lough Neagh, to the local economy. It is considered prudent to explicitly identify the sites within the policy, identifying that they have been purposely located outside of the designation in conjunction with the development of policy which is similar to that afforded to Lough Neagh Commercial fishing, which acknowledges that the activity is of commercial importance and therefore allows for the minor expansion of facilities.

No consideration of such an alternative approach appears to have been considered within the Council’s SA/ SEA.

As a result, the policy is considered to fail to comply with Soundness Tests P3, 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 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	Agg Extracted since commencement	Yearly Extraction rate	Remaining Reserves	Time remaining on Existing Planning	Extension Potential	Demand up until 2030 2017-30	Do You intend to expand this site before 2030
Lough Neagh	Northstone NI Ltd, Kingsway, Dunmurry BT17 9NU (Sandy bay)	Unknown	c. 150,000 tonnes per annum landed at quay in Mid Ulster District. (5 yr average)	No permitted reserves- currently subject to planning application.	N/A – but development proposed to be limited to 15 years.	Yes- calculated resources of up to 100 million tonnes in Lough.	100,000 to 200,000 tonnes per annum at quays in Mid Ulster District. Combined output restricted to 1.5MT.pa	N/A
Lough Neagh	Northstone NI Ltd, Kingsway, Dunmurry BT17 9NU (Ballyginniff)	Unknown	c. 120,000 tonnes per annum landed at quay in Antrim and Newtownabbey District. (5 yr average)	No permitted reserves- currently subject to planning application.	N/A – but development proposed to be limited to 15 years.	Yes- calculated resources of up to 100 million tonnes in Lough.	100,000 to 200,000 tonnes per annum at quays in Mid Ulster District. Combined output restricted to 1.5MT.pa	N/A
Lough Neagh	Northstone NI Ltd, Kingsway, Dunmurry BT17 9NU (Toome)	Unknown	c. 190,000 tonnes per annum landed at quay in Mid Ulster District. (Average)	No permitted reserves- currently subject to planning application.	N/A – but development proposed to be limited to 15 years.	Yes- calculated resources of up to 100 million tonnes in Lough.	200,000 to 300,000 tonnes per annum at quays in Mid Ulster District. Combined output restricted to 1.5MT.pa	N/A
Greggs Pit	Northstone NI Ltd, Kingsway, Dunmurry BT17 9NU	Unknown	110,000 tonnes per annum	3,200,000 t	N/A	Yes	100,000 – 200,000 tonnes per annum x 10 years (1-2 million tonnes)	Dependent upon potential increase in demand and continued availability of Lough Neagh resource.
Carmean Quarry	Northstone NI Ltd, Kingsway, Dunmurry BT17 9NU	Unknown	Limestone 100,000 tonnes per annum. Basalt 200,000 per annum for 2 years.	Limestone 1.1MT Basalt 200kt	Unlimited	Yes	100-150,000 tonnes per annum	Yes if demand for product increases from stated 100Ktpa level.

Other Info


Turnover: £27.55M (Mid Ulster) + Additional £10.7M generated by manufacturing processes in other plant Sites in NI, enabled by mineral extracted in Mid Ulster.

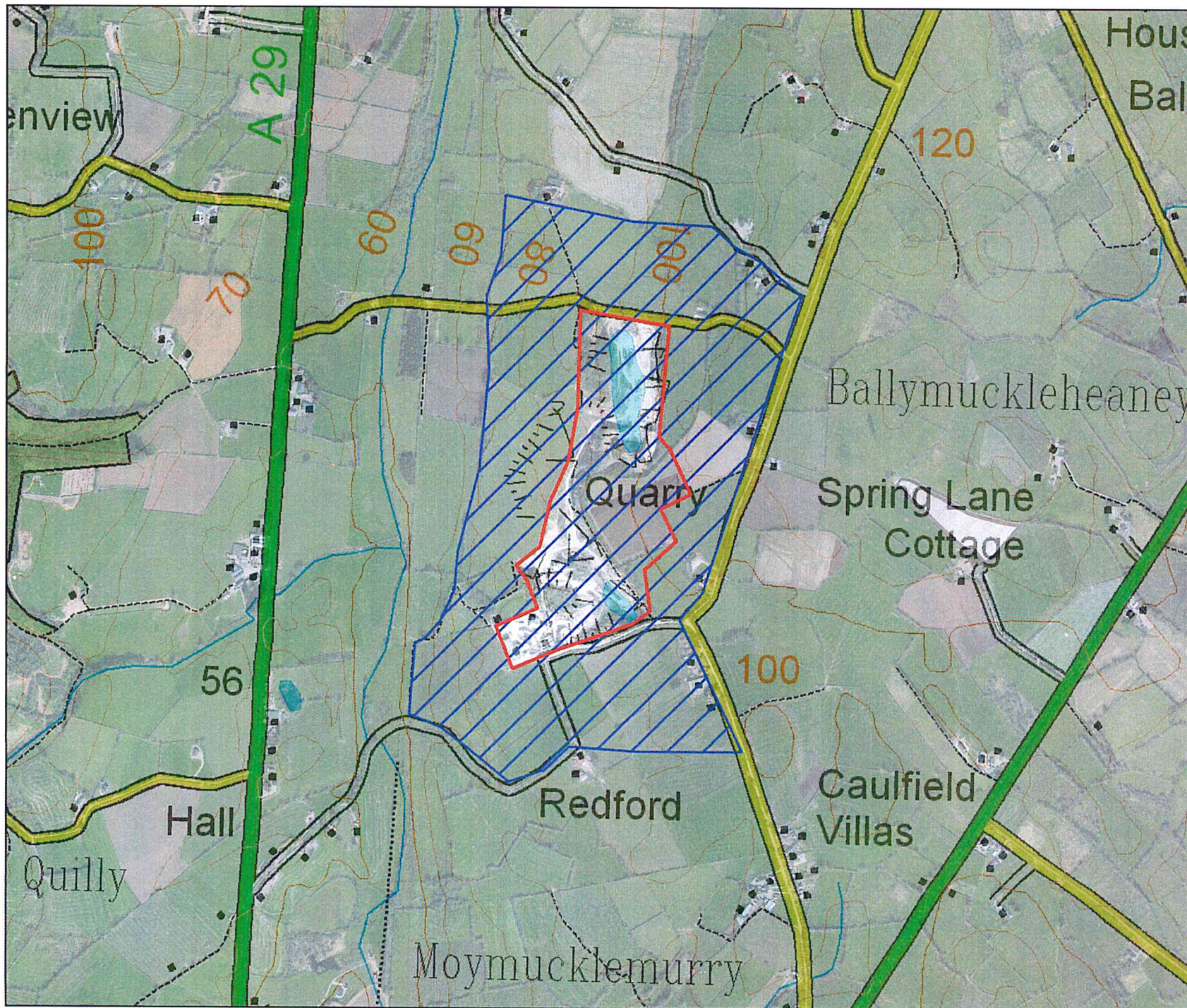
No. of staff employed: 29 (Sand Extraction)

80 (Manufacturing)

Annual Wage Bill: £3.33M

Annual Rateable Value: £55K

Signed:

Brian Watt – Technical Director
 On behalf of: **Northstone (NI) Limited**
 Date: **11/04/2019**



Notes:

Legend

- Existing Planning Permission Area
- Proposed Potential Extension Lands/ Areas to be safeguarded from future surface development



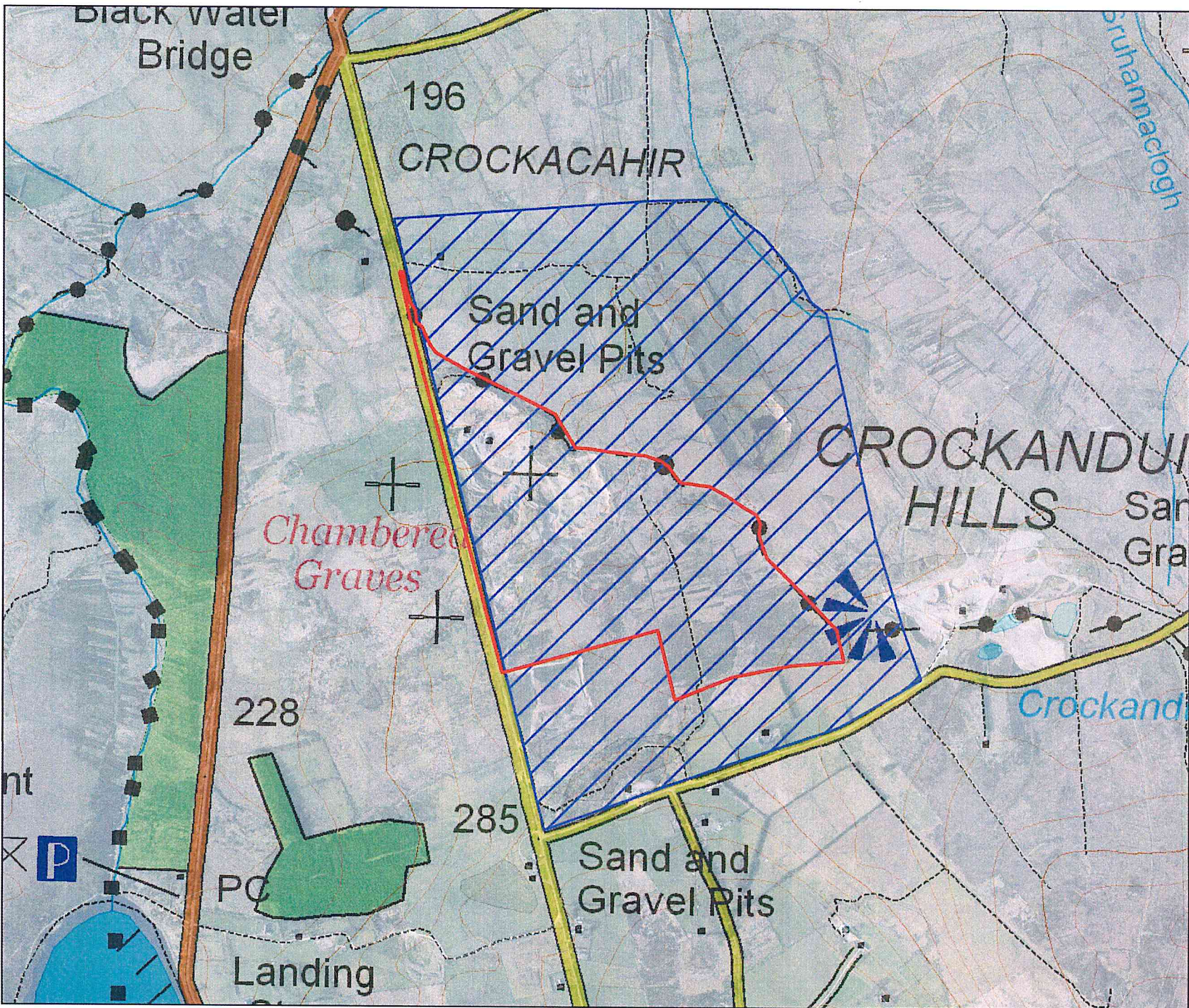
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Title: Northstone (NI) Ltd-Carmean Quarry

Scale: 1:20,000 @A4

Dwg. No. Figure 2.0

Drawn By: CST	Date: 17/04/2019
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Notes:

- Legend**
- Existing Planning Permission Area
 - Proposed Potential Extension Lands/ Areas to be safeguarded from future surface development



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Title: Northstone (NI) Ltd- Gregg's Pit

Scale: 1:20,000 @A4

Dwg. No. Figure 1.0

Drawn By: CST	Date: 17/04/2019
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