

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 11:37
To: DevelopmentPlan@midulstercouncil.org
Subject: MUDC LDP Draft Plan Strategy- Core Aggregates Representation
Attachments: Core Aggregates 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 Core Aggregates.

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

Regards

Chris

Chris Tinsley MRTPI
Senior Town Planning Consultant

Quarryplan Limited
10 Saintfield Road
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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	<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="CORE AGGREGATES"/>

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

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)

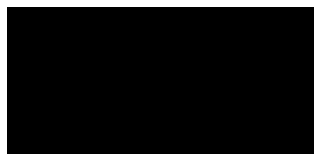
7. If you are seeking a change to the DPD, please indicate if you would like your representation to be dealt with by:

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:

15TH APRIL 2019

File ref: aps/MUDC/DraftPlanStrategy/Core



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

16th April 2019

Via email: developmentplan@midulstercouncil.org

Dear Sir/ Madam

Re: Core Aggregates Limited, Crancussy Road, Cookstown - Representation to Mid Ulster Local Development Plan 2030- Draft Plan Strategy

Further to Quarryplan's joint representation made on behalf of a consortium of mineral operators (April 2019), of which Core Aggregates Limited are a contributor, within Mid Ulster, Quarryplan is instructed by its Client, (Core Aggregates) 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 this individual submission 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 Core Aggregates and should be recognised as such.

Background

Core Aggregates is a leading supplier of sand and gravel in Mid Ulster, the UK and Ireland. The high-quality resource is sought after by many of the other firms that form part of the joint representation and is used to supplement and enhance their own resources. Core aggregates resource is put too many added value end uses such as ready mix concrete, precast concrete products, asphalt and other construction materials.

Core Aggregates specialise in supplying a full range of sand and gravel (aggregate) products to local businesses, agriculture and private users.

Core Aggregate's success is built solely upon the continued supply of sand and gravel won within the Mid Ulster District Council area, together with customer service, marketing and flexibility.

It is predicted that Core Aggregates will continue to benefit from modest growth in demand that has seen production requirements rise steadily to the present levels of 265,000 tonnes per annum to a predicted level of 300,000 tonnes per annum within the Local Development plan period.

Extraction Site/Reserve Areas

Core Aggregates Crancussy Road Pit, Cookstown, currently extracts at a rate of 265, 000tpa but demand is such that the sales output will rise to a level of 300, 000tpa. There are considered to be approximately 4.6MT of permitted reserves remaining within the site in 2 phases, one either side of the Crancussy Road permitted for extraction under I/72/77.

Therefore, providing up to 15 years maximum reserve if the estimates based on historical data are accurate. However, in accordance with National Mineral Planning Guidance it is the Company's intention to maximise resources in both Phases of the site and therefore investigations are underway to establish the availability of extracting additional sand and gravel resources below the current approved floor imposed at an arbitrary level and in adjacent lands as illustrated by directional arrows on the attached drawing Core 1. Given the difficulty in obtaining consent for sand and gravel resources it would constitute negligence to not maximise a high quality resource whilst the land has been worked and prior to a beneficial afteruse / restoration.

Economic Contribution

The business has identified demand of some of c. 4 million saleable tonnes of sand and gravel over the course of the plan period, using the Council's 13 year multiplier and as such, will require an extension to the existing pit, in order to allow the business to satisfy demand over the plan period and beyond. See attached table.

As detailed in the accompanying table, the extraction of sand from Crancussy Road pit makes a significant contribution not only to the Mid Ulster District, but also to other regions of Northern Ireland. This information takes no account of the contribution of the downstream value-added products that client companies use to supplement and enhance their own deposits.

It is considered on the face of it, Core Aggregates extraction of sand and gravel generates a significant economic benefit in rural Mid Ulster in terms of employment, wages and rates contribution. The contribution to added value manufacturing processes directly reliant upon the mineral being available in the supply chain has not been quantified but remains noteworthy.

As demonstrated in the joint representation, the evidence base presented by the Council which identifies the contribution of the industry to the district, including that of Core Aggregates, has been grossly undervalued. 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 ...and which support an ongoing business in very close proximity**. 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 Core Aggregates' site extends throughout Mid Ulster and in to other districts in Northern Ireland and is considered to be greater than some of those selected by the Council as worthy of protection.

No consideration has been provided within the plan or as an alternative within the SA/SEA 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, it is the intention to extend the existing pit and as such when taken in context with the other extraction operations and business that can clearly be seen in the aerial imagery in Core 1 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 these areas 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 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. We would draw your attention to the proposed mapping contained in the joint representation, with respect to proposed Areas Suitable for Minerals Development and in particular to Drawing No. 3 which covers Core Aggregate Sites and the others illustrated in Core 1.

As detailed in the Quarryplan joint response (April 2019), the Council's approach in failing to designate 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 has not been identified within the proposals maps as falling inside 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 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 Core Aggregates 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 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 that developments will be assessed against criteria referenced a-g):

Policy MIN 2

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 lumps SLNCl's in with European sites and introduces a new test for European designated sites and 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.

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

Policy MIN 2

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

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

It is considered that this criterion does not accord with the provisions of the SPPS. 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 MIN 5- Restoration of Mineral Sites

"All applications for mineral development must include, where appropriate, satisfactory and sustainable restoration proposals. Restoration proposals should take account of the specific characteristics of the site and its locality and restore and/or enhance the landscape character of the area. Any opportunities for enhancing biodiversity, community recreation and access should be considered."

The policy as proposed appears to take a balanced approach to restoration and reflects the approach set out within regional planning policy. It is proposed that the Policy should go further and reflect the effective policies from previous plans that confirm the Council's position with respect to delivery of restoration benefits of legacy sites and sites that are not subject to contemporary restoration requirements.

It is considered that the approach to what constitutes a beneficial afteruse at a site should not be specifically restricted in Policy and should consider the potential for alternative uses that are equally suited to rural locations and the specific landforms and land quality that is peculiar to mineral sites. Core Aggregates site for instance has existing upgraded electric network connections, as have many other mineral sites and have wind turbines already in existence. However, the restored site could be suitable for a mixed use of grazing, fodder crops, solar farm or other renewable energy sources. Due to the high elevation of the site, as with many other mineral operations, they are subject to wind speeds significantly above average, that make these sites an optimum location for wind turbines, as evidenced by the efficiency of the existing turbine and it is proposed that the Policy should reflect the full potential of restored mineral workings as the unique opportunity they present and not be restricted to biodiversity, community recreation and access, none of which could be considered to be economically beneficial which is a consideration when seeking long term aftercare.

Proposed Secondary Aggregates Policy

Whilst there is a wide range of aggregates available in Northern Ireland for use in construction. Sources include crushed rock, processed sand and gravel. It is considered that the Council has overlooked an opportunity to provide local policy direction with respect to secondary aggregates. Secondary aggregates consist of the recycling of construction and demolition waste through crushing, screening and reuse. The employment of secondary aggregates can often take pressure off natural mineral resources.

As promoted within the SPPS, the planning system has a key role to play in facilitating a sustainable approach to minerals development, including sustaining sufficient local and regional supply levels and appropriate restoration. The SPPS also acknowledges that *"the Sustainable Development Strategy advocates the greater use of recycled building materials in construction so as to reduce the depletion of natural resources and to limit transportation of such materials"*.

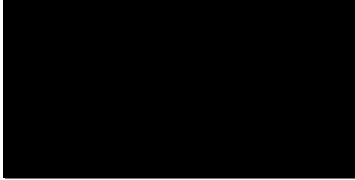
The Council's failure to consider and promote a draft policy with respect to secondary aggregate use within the Mid Ulster minerals industry and preferential consideration of sites proposing to utilise existing infrastructure and consideration of the same within the SEA/SA alternatives to the policy renders the DPS unsound.

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	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
15 Crancussy Road Cookstown BT80 9PW	Core Aggregates 155 Drum Road Cookstown	2.275m tonnes	265,000 to 300,000 tonnes Demand is expected to increase in line with growth in the construction sector.	2.6MT est within Phase 1. 2MT est within Phase 2	300,000 tonnes per year – minimum estimated demand	No time limit	Additional reserves are available at depth within the existing approval for Phase 1 and Phase 2. There is also potential for a lateral extension to the site.	Yes, by seeking additional extraction of reserves within Phase 1 at depth prior to progressive restoration, that are not currently approved. Potential lateral Extension as shown in drawing Core 1, shown by directional arrows subject to control.

Other Info

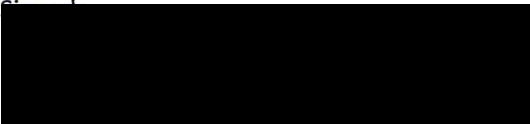
Turnover: £ 1.5m

No. of staff employed: 5 (Direct & Indirect) (Extraction)

0 (Manufacturing)

Annual Wage Bill: £ 200,000

Annual Rateable Value: £45,000



Mr Loughran

On behalf of: **Core Aggregates Limited**

Date: - 18th April 2019

Notes: Google Aerial Imagery

Potential Extensions
— Planning Permission Boundary - I/72/77



Title: Core Aggregates Existing Consent and Extraction Area and Potential Direction of Extension within the Plan Period

Scale: 1:12500 @ A3

Dwg. No.: Core 1

Drawn By:
APS

Date:
15/04/2019