

**Sinead McEvoy**

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**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**

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**From:** Chris Tinsley <[REDACTED]>  
**Sent:** 19 April 2019 09:07  
**To:** DevelopmentPlan@midulstercouncil.org  
**Subject:** MUDC LDP Draft Plan Strategy- Hollow Park Sand and Gravel Representation  
**Attachments:** Hollow Park S+G 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 Hollow Park Sand and Gravel Ltd.

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  
Crossgar  
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 19<sup>th</sup> April 2019 to:**

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

Or by email to [developmentplan@midulstercouncil.org](mailto: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)   
HOLLOW PARK SAND AND  
GRAVEL LTD

**2. Agent Details (if applicable)**

MR

CHRIS

TINSLEY

SENIOR PLANNING CONSULTANT

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=""/>
E-mail Address	<input type="text" value=""/>	

**SECTION B**

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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](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)*

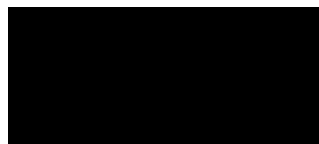
7. If you are seeking a change to the DPD, please indicate if you would like your representation to be dealt with by:

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:

10TH APRIL 2019

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
Land to the north of Crocknamohill Road and East of Iniscarn Road, Draperstown	Hollow Park Sand & Gravel Limited	None- site has been the subject of an EIA scoping exercise. No planning application has yet been submitted.	Proposed to extract up to 130,000 tonnes per annum.	No permitted reserves- planning application to be submitted.	Up to 150,00 tonnes per annum.	No planning application yet submitted.	Potential to extend in future. Any extension would be subject to future investigation and consideration of likely environmental impacts.	Whilst at present there are no plans to expand the site before 2030, The Site may require future expansion, dependent upon future market conditions and availability of land-won sand and gravel.

**Other Info**

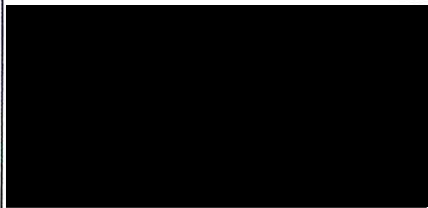
Turnover: N/A

No. of staff employed: 0 (Extraction)

0 (Manufacturing)

Annual Wage Bill: £ N/A

Annual Rateable value: N/A



On behalf of:

Date: 8/4/2019.

File ref: CST/MUDC/DraftPlanStrategy/HollowPark



**Quarryplan Limited**

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

10th April 2019

Via email: [developmentplan@midulstercouncil.org](mailto:developmentplan@midulstercouncil.org)

Dear Sir/ Madam

**Re: Hollow Park Sand and Gravel Ltd representation to Mid Ulster Local Development Plan 2030- Draft Plan Strategy**

Further to the joint representation made on behalf of mineral operators within Mid Ulster, Quarryplan is instructed by its client, Hollow Park Sand and Gravel Ltd (HP) 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 HP and should be recognised as such.

**Background**

Our client is currently in the process of preparing a full planning application and Environmental Impact Assessment (EIA), for the winning and working of minerals (the extraction of sand and gravel) at a rate of up to 130,000 tonnes per annum at land off Crocknamohill Road, Draperstown. A map, identifying the location of the proposed development is enclosed. The land is under the combined ownership of HP and Creagh Concrete.

The client has been engaging in pre-application discussions with Mid Ulster District Council (MUDC) and other consultation bodies which will inform the proposed development and the content of the planning application. The client has received an EIA Screening/Scoping opinion which confirms that the planning application will be required to be accompanied by an Environmental Statement. The client is currently in the process of preparing the same.

**Mineral Reserve**

The site is located approximately 3.8km to the south east of Draperstown. The site consists of a former GAA Football training pitch and agricultural lands. The landholding extends to 19ha is shared between HP and Creagh Concrete. The application site will be approximately 15ha in size, situated within the bowl previously created when constructing the training pitch, however, the final location will ultimately be determined by the proposed impact assessments.



The purpose of the development is to provide sand and gravel required to supply the construction industry. The development will provide local employment opportunities and encourage economic growth in the area.

### **Economic Contribution**

The site currently consists of agricultural fields and a former football training pitch and therefore provides only a modest economic benefit. The proposed development will provide local employment opportunities and encourage economic growth in the area. The application site has been the subject of site investigation, in order to identify the extent and potential yield of the resource. As a result of anticipated demand, our client seeks permission for the extraction of up to 130,000 tonnes of mineral per annum.

### **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.

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 should 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 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 its site at Crocknamohill Road 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 upon. As detailed in the joint response, the existing evidence base is inadequate.

As outlined separately within the joint submission Hollow Park Sand and Gravel has instructed Quarryplan 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.

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.

### **Evidence Base**

It is noted within the Preferred Options Paper- Public Consultation Report Update Evidence Paper, (January 2019) that reference is made to two sites referred to in a table as ‘land Banks, still subject to Planning Permission being granted’. Given that our client has actively engaged in pre-application consultation and EIA Screening/ Scoping with MUDC, it is unclear as to why the proposals have not been listed within the table. The table refers to two sites: one at Magherglass, which is the subject of a currently pending planning application and one at Augher, which appears to be at the stage of planning process as our client (i.e. pre-application stage). No evidence is provided as to why the HP site has not been included.

The Council’s evidence base needs to be robust in order to sufficiently evidence the policies which are proposed within the plan and allow for an adequate Sustainability Appraisal/ Strategic Environmental Assessment (SA/SEA) to be undertaken. By failing to include sites such as our clients, the policies of the plan are not considered to be sound as they are based upon incomplete / inaccurate analysis of information held by the Council. The policies of the plan are not considered to be founded on a robust evidence base and therefore fails to comply with Soundness Tests CE2.

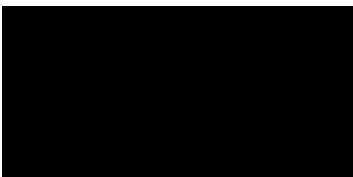
### **Soundness**

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.

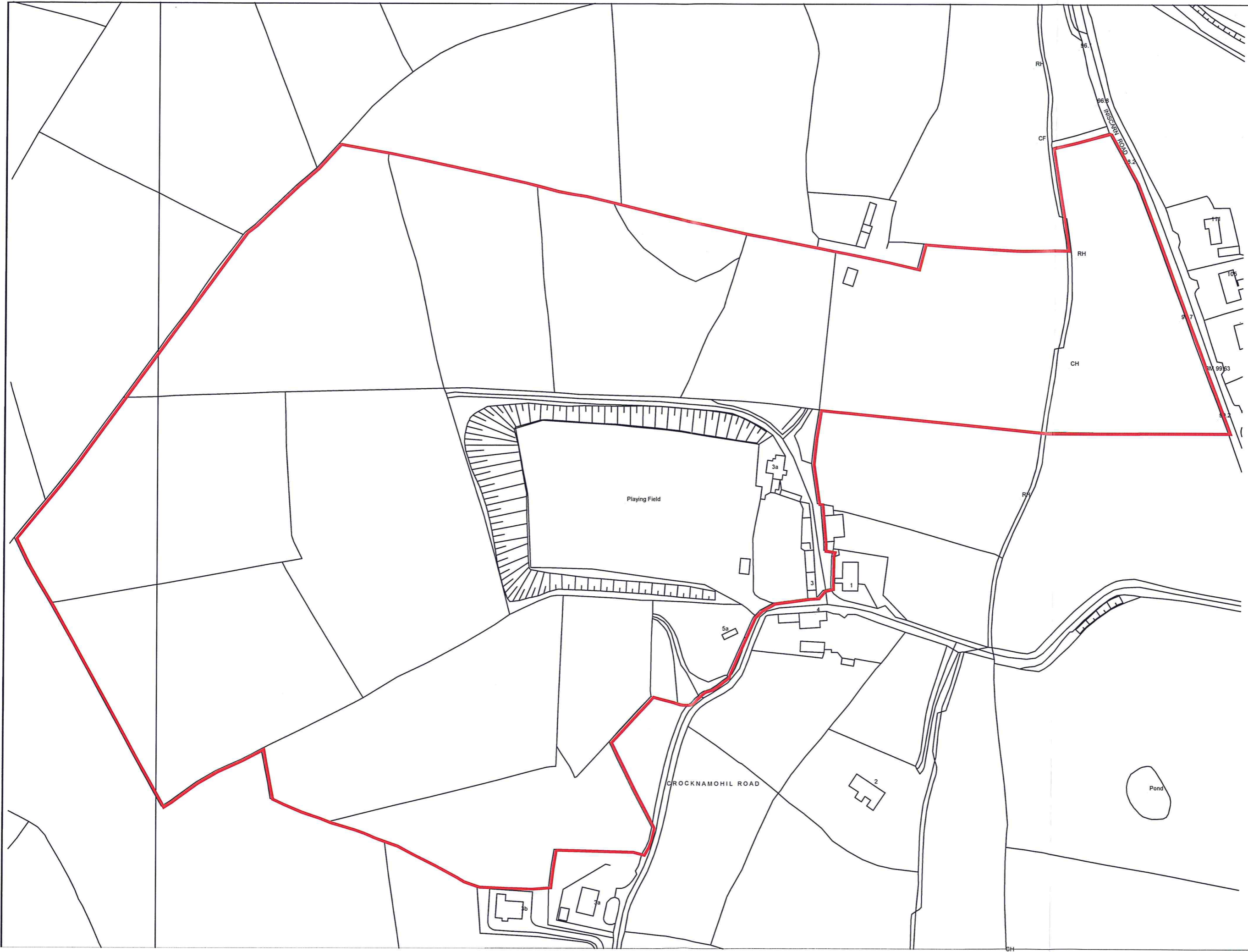
For the reasons set out within this individual representation and detailed within the joint representation, submitted under sperate cover, our clients consider the plan to be **unsound**, based upon its failure to comply with a number of the soundness tests, specifically Tests CE1 and CE2.

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 Location Plan



Quarryplan Limited  
 10 Saintfield Road  
 Crossgar  
 Downpatrick  
 BT30 9HY  
 T: [REDACTED]  
 e: info@quarryplan.co.uk

Site Location Plan

Hollow Park S+G Ltd

FILE NAME & LOCATION

DRAWN BY	CST	DATE	10/04/19
DRAWING NO	HP-01	SCALE	1:2000@A3