

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 16:09
To: DevelopmentPlan@midulstercouncil.org
Subject: MUDC LDP Draft Plan Strategy- McGarrity Bros Representation
Attachments: Representation-Form.pdf; McGarrity Representation ISSUE.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 McGarrity Bros.

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 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)

MCGARRITY BROTHERS LIMITED

2. Agent Details (if applicable)

| | | |
|------------------|---|--|
| Address Line 1 | <input type="text" value="C/O AGENT"/> | <input type="text" value="QUARRYPLAN LTD 10 SAINTFIELD ROAD CROSSGAR CO. DOWN"/> |
| Line 2 | | |
| Line 3 | | |
| Line 4 | | |
| 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

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

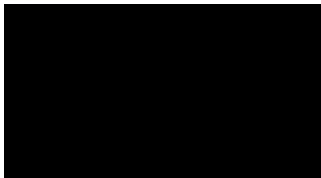
(If not submitting online and additional space is required, please continue on a separate sheet)

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:

16TH APRIL 2019

File ref: CST/MUDC/DraftPlanStrategy/McGarrity



Quarryplan Limited

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Co. Down
BT30 9HY

T: [REDACTED]
E: info@quarryplan.co.uk
W: www.quarryplan.com

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

18th April 2019

Via email: developmentplan@midulstercouncil.org

Dear Sir/ Madam

Re: McGarrity Brothers Limited 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 McGarrity's are a contributor, within Mid Ulster, Quarryplan is instructed by its Client, (McGarrity's) 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 the McGarrity's and should be recognised as such.

Background

McGarrity Bros. Ltd was formed in 1958 by Terry and Arthur McGarrity. The company was set up and to this day is still a family run business. Presently, McGarrity's is run by brothers John and Noel McGarrity. Over the years the Company has continually sustained its business and employment needs, developed and grown. In recent years the company has begun manufacturing high quality products such as Pre-cast Floor Slabs, Window Sills, Concrete Lintels and Kerbs. McGarrity's Ltd also manufactures agricultural products such as Cattle Drinkers, Gate Post, Fencing Post and Strainers.

The business is not located within the Mid Ulster District Council area, the business' headquarters are based south of Carrickmore at 15 Innishative Road, within the Fermanagh and Omagh District Council area; approximately 3km from the Mid Ulster District Council 'border'.

Recently, with a depletion in minerals granted under planning permission and with the entire AONB being consigned to a draft ACMD within the published Fermanagh and Omagh Local Development Plan, the Company has augmented to devolve its interests to acquiring Company owned/controlled sand and gravel reserves through the Fermanagh, Omagh, Mid Ulster Council and Strabane areas. As an economic guidance derived from haulage costs, the Company is currently considering all resource opportunities within a 20km radius of its existing manufacturing and distribution business at Carrickmore, in order to sustain the business needs and support growth. As outlined below, whilst the Company has sought to amplify its resource portfolio, as a commercial organisation providing a

significant contribution to both FODC and MUDC; and neighbour of MUDC who relies upon the continued supply of sand and gravel resources, it is disappointed that consultations on the POP were not directly extended by the Council to them.

Extraction Site/Reserve Areas

McGarrity's currently operate one sand and gravel pit at Whitebridge Road, Carrickmore (Figure 1). A second site, at off the Termon Road (Figure 2), has recently been acquired by the Company and is currently the subject of a planning application.

To sustain its business, McGarrity's require 2.8 million tonnes of sand and gravel to be won over the plan period. Neither the remaining reserves at Whitebridge Road (less than 500, 000 tonnes) nor the proposed reserves at Termon Road (500, 000 tonnes of in situ mineral) will provide anywhere near the volume of resource required to sustain the business over the plan period.

As the Council will appreciate, minerals can only be worked where they are found, and Mid Ulster Council has an abundance of recognised sand and gravel deposits.

Economic Contribution

The business has identified demand of some c. 2.8 million of saleable tonnes of sand and gravel over the course of the plan period and as such, will require an extension to the each of their existing sand and gravel pits and sourcing mineral from other sites (both established or greenfield) within a 20km radius of the business. The resource is required in order to allow the business to satisfy demand over the plan period. Present, consent and submitted planning permissions will (if approved) release less than 1 million tonnes of in situ sand and gravel; when considering likely by products following processing.

The Company has an annual turnover worth £4.3million to the Northern Ireland regional economy. Staff employed by the Company live and spend money in the Fermanagh, Omagh and Mid Ulster Council areas and beyond. The current annual wage bill for the Company is over £500, 000 per annum with a total of 30 people in direct employment.

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.

McGarrity's are located on the border between Fermanagh and Omagh District Council and Mid Ulster Council. Lands and opportunities for future resource potential and mineral extraction in the west and south of their current business are limited due to deficiencies in suitable mineral type, prejudicial surface development such as the villages of Carrickmore, Drumnakilly and the town of Omagh, single dwellings, other land uses such as wind farms and competitors sites.

Mineral resources located south of the A505 and west of the Cookstown have been considered in recent years by the Company, including the acquisition of existing open pits with planning permission already granted. The Company also supplements its own material from a Mid Ulster supplier in the Evishanoran area, Near Cam Lough. As discussed within the joint representation (April 2019) several of these existing sites have limited permitted reserves remaining with many underpinning other companies and downstream manufacturing. However, in line with the Mineral Resource Map of

Northern Ireland, a mineral resource is available for extraction and management which should be considered as an economic resource to underpin the minerals industry's business needs.

McGarrity's have highlighted that under prevailing guidance Council's may wish to undertake further research over and beyond reliance solely on the Mineral Resource Map of Northern Ireland. Furthermore, whilst it is understood by the Company that survey's were carried out with the industry by the Council post the publication of the POP and pre-publication of the DPS, no consultations were carried out by the Council with respect to neighbouring business; only those operators located within the boundary of the LDP were consulted. It is considered that this parochial survey does not accord with the SPPS wherein it is stated that Councils should ensure that local supplies of construction aggregates can be made available for use within the local and regional market.

Furthermore, it is recognised that presently none of the Councils who have brought forward their LDPs have consulted with the industry prior to the publication of the POP or taken cognisance of mineral resource within their boundaries and what reserves are required to be traded between them. If this paucity of consideration is predicated by the lack of a regional mineral strategy; as such the LDPs of all Councils cannot hope to overcome shortcomings in terms of compliance with regional guidance (as the latter is silent) or SEA/SA challenges on soundness or legitimacy.

Prevailing guidance advises that the Council should safeguard mineral resources which are of economic value and seek to ensure that workable reserves are not sterilised. Sand and gravel sustains and underpins the Company's business requirements, including a sustain annual turnover in excess of £4million pounds to the regional economy. It is considered that prior to understanding a Local need for mineral and the interrelationship between Council areas, there is a paucity of policy and understanding at a regional level in Northern Ireland. Until this knowledge vacuum and ignorance is addressed at a regional planning level, there should be a presumption in favour of mineral development outwith sites which have been formally designated for conservations reasons.

There is no detail provided within the plan as to how sand and gravel resources, which clearly generates economic benefits for the Council area and beyond, will be protected from surface development which could impact its future likelihood to deliver this important resource. Consideration should be given by the Council, as an alternative within the SEA/SA to safeguarding all minerals resources as identified within Drawing 3 attached, from the joint submission.

As 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 and given the restricted availability of supply, 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 also be identified for such a designation.

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). 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 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 potential sand and gravel resources within the MUDC area, south of the A505, have not been identified within the proposals maps as an ACMD. However, in line with the map held within the joint submission (Plan 003) McGarrity’s would welcome the introduction of a policy which safeguards and promotes the sand and gravel reserves in this location. Certainly, the application of such a policy and safeguarding area is required to be considered by the Council as part of its SEA alternatives.

The policy 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:

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 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, or regional guidance, therefore the economic contribution of the areas identified as MRPA’s (with the exception of the Limestone deposit at Cookstown) is disputed.

Given the economic contribution, the safeguarding of the resource is 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).

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”.

As outlined separately within the joint submission McGarrity’s have instructed 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.

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 highlighted earlier, it is considered that this paucity of information and therefore, certainty, greatly diminishes the capacity of the professional application of sound judgement and places the planning system and the developer at the behest of a single consultees’ alternative agenda; weakening the strategic promotion of balanced decision making.

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. Furthermore, the Council is encouraged to undertake detailed consultations with neighbouring Councils to fully understand the flow of resources, which are unconstrained by Council boundaries.

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 several 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 |
|---|----------------------------|--|--------------------------|--------------------------|---|-------------------------------------|---------------------|--|
| Production Facility Fermanagh and Omagh/Mid Ulster Council Border @15 Innovative Road Concrete production and distribution, blocks, floor slabs etc depended on continued supply of mineral - sand and gravel. | McGarrity Brothers Limited | N/A | 250,000 tonnes per annum | (whitebridge road site?) | c.2 billion tonnes of saleable sand and gravel over the plan period | N/A | Yes | We need to resource within a 20km radius of our production facility at Carrickmore We are currently vesting interests in the Mid Ulster District Council Sand and Gravel resources heading east along and lands south of the ASOS Omagh - Cookstown |

Other Info

Turnover: E4.3million
 No. of staff employed: (Extraction) & (Manufacturing) 30
 Annual Wage Bill: E532, 547
 Annual Rateable Value: E25, 906

Signed: 

 Noel McGarrity
 On behalf of: McGarrity Brothers Limited

 Date: 08 04 2019

Figure 1: McGarrity's Business Site and Proximity to Mid Ulster Border

McGarrity's

Mid Ulster Council
Area



Figure 1A : Proposed Safeguarding and Proposed Economic Mineral Resource Area

Proposed Safeguarding/Sand and Gravel Resource Area



Figure 2: McGarrity's Whitebridge road-extraction and progressive restoration

— Planning Permission boundary
Approx. does not take account of
conditional standoffs

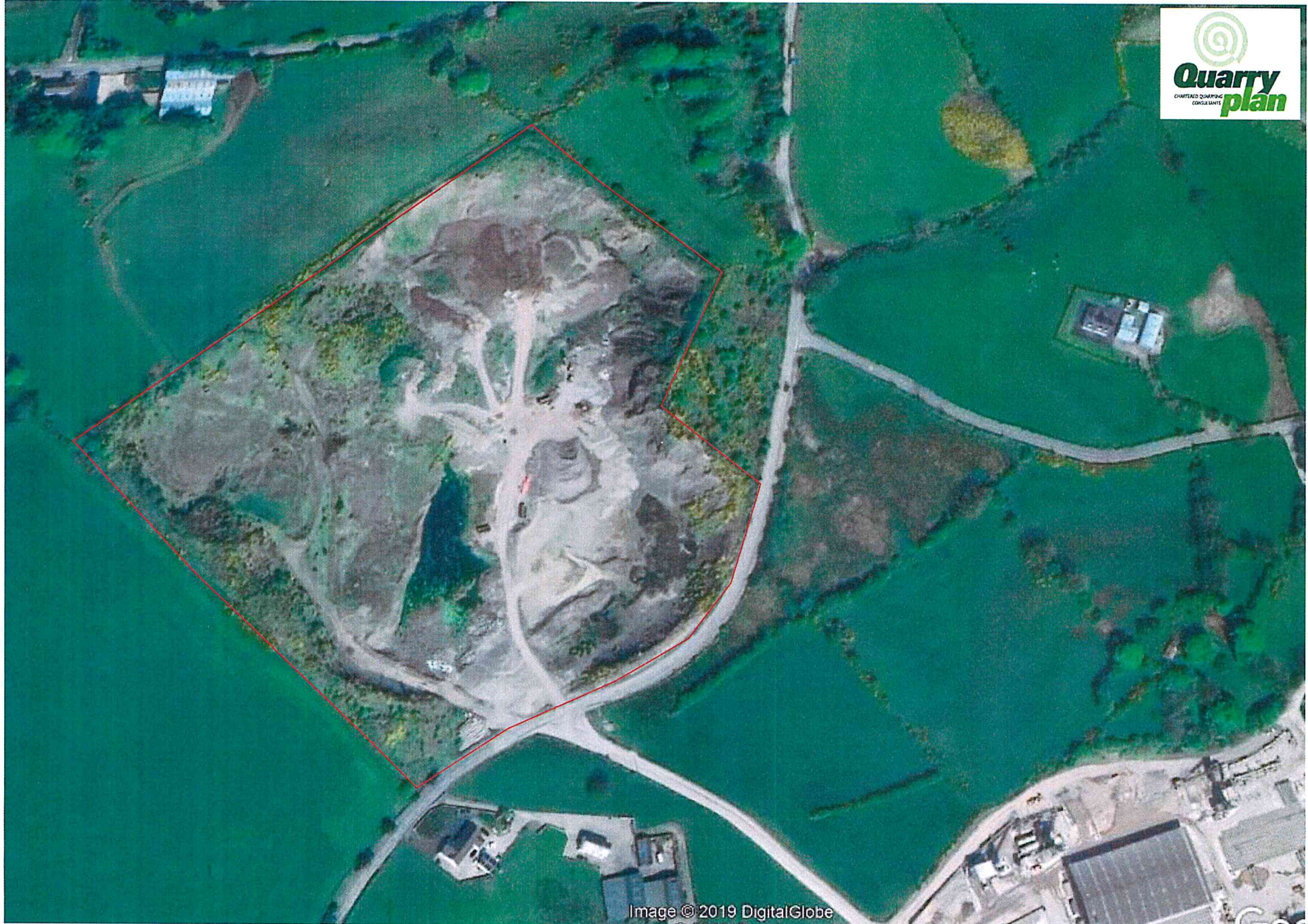


Figure 3: McGarrity's Termon Road, Potential Reserve Site

Termon Road,
Application Area



Source: Google
Earth