

Elaine Mullin

From: Paul Hamill (FP McCann) <[REDACTED]>
Sent: 17 April 2019 16:17
To: DevelopmentPlan@midulstercouncil.org
Subject: Representation to Draft Plan Strategy - MUDC Local Development Plan 2030
Attachments: Respresentation Form (signed) 17.04.19.pdf; Mid Ulster Draft Strategy Response 17.04.19 (Final).pdf

Dear Sir/Madam,

Please see attached our representation to the Draft Plan Strategy which has recently been published for public consultation.

I trust that the views expressed here will be given your full consideration in the preparation of the Local Development Plan and should you wish to discuss any of the issues raised in more detail then please do not hesitate to contact me.

To ensure safe delivery of our representation I would be grateful if you could confirm receipt by return email.

Best regards,

Paul Hamill

Estates Manager



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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

Draft Plan Strategy & SA/SEA

Representations must be submitted by 4pm on 19th April 2019 to:

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

Or by email to developmentplan@midulstercouncil.org

Please complete separate form for each representation.

SECTION A

1. Personal Details

Title

First Name

Last Name

Job Title (where relevant)

Organisation (where relevant)

2. Agent Details (if applicable)

Mr

Paul

Hamill

Estates Manager

FP McCann Ltd

Address Line 1	3 Drumard Road	Clarks Quarry
Line 2	Knockloughrim	105 Nutfield Road
Line 3	Magherafelt	Lisnaskea
Line 4		Co. Fermanagh
Post Code	BT45 8QA	BT92 0HP
Telephone Number		
E-mail Address		

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 Draft Policies MIN 1, MIN 2 & MIN 5
- (v) Proposals Map Map 1.12, 1.13, 1.14, 1.15 and District Proposals map 1a-1f
- (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.

CE1 & CE 2 - Coherence and Effectiveness

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:

Please see attached covering 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.

Please see attached covering 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:



Precast Concrete | Civil Engineering | Ready Mix Concrete
Quarry Stone | Driveway Surfacing | FP McCann Homes

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BT92 0HP

Dr C R Boomer
Mid Ulster District Council Planning Department
50 Ballyronan Road
Magherafelt
BT45 6EN

Delivered by email to: developmentplan@midulstercouncil.org

17th April 2019

Your Ref: Draft Plan Strategy
Our Ref: MU/DPS-R

Dear Dr Boomer,

Re: Draft Plan Strategy (DPS) for the Mid Ulster District Council Local Development Plan 2030.

Further to our previous representations on the Preferred Options Paper, we welcome the opportunity to provide comment on the Draft Plan Strategy.

Response to Mid Ulster Draft Plan Strategy

The Draft Plan Strategy broadly recognizes the importance of the minerals industry and its essential contribution to the economy, this is very much welcomed. We note that the proposed ACMD also seeks to avoid areas with the largest concentration of existing quarries. At a fundamental level, this seems logical and appropriate and we broadly concur with this approach.

Under-valuing the minerals industry in Mid Ulster

However our concerns remain regarding the comprehensiveness of the baseline information which has been used to formulate the Draft Minerals policies and to define the Draft Areas of Constraint on Mineral Development (ACMD) and Mineral Reserve Policy Areas (MPRAs). We submit that the value of the minerals industry

within Mid Ulster has been significantly understated by the Draft Strategy. Section 14.3 of the strategy states a notional value "...in excess of £13 million per annum (DFE Annual Mineral Statement 2016)...". In contrast, we refer to Section 6.5 of the Minerals Background Paper¹ which accompanies the Draft Strategy. In total, 18 operators responded to the consultation by MUDC (including FP McCann Ltd). This is not a comprehensive return and clearly it does not include all quarry operators, this is recognised with the document. However, if we total the annual outputs for hard rock and sand and gravel we arrive at a total of 2.7M tonnes per year. Assigning a notional market selling price of £8 per ton, this gives an annual value of £21.6M. Again, we would highlight that this annual total only accounts for the operators who responded, the actual total is likely to be far in excess of this figure. Perhaps more importantly, these figures do not take account of the considerable economic value of quarry related products. The manufacture of precast concrete products is the largest sector of our business and it is directly dependent on an adequate supply of minerals. To put this aspect into context, our annual turnover in Mid Ulster for quarry products alone (i.e. precast, coated and readymix) is in excess of £16M. Our construction and civil engineering division has an annual turnover in excess of £50M. These activities are also based at Knockloughrim and they too are directly reliant on a sustainable supply of construction aggregates and quarry-derived products.

Taking account of this and recognizing the substantial operations of our competitors, we submit that the actual value of minerals to Mid Ulster could be well in excess of £100M per annum. This has already been demonstrated within the submission by QuarryPlan Ltd dated 27th January 2017.

Estimates of existing mineral reserves

As acknowledged within the Background Evidence Paper, we are aware that the consultations returns which MUDC has received from quarry operators do not provide a comprehensive picture of the existing reserves. We are also mindful that this information was provided in confidence and that it would be highly inappropriate for the Council to disclose the individual sources of the locations of the permitted reserves. However, the quantity of hard rock reserves seems incredibly low considering the number of hard rock extractions which are approved within Mid Ulster. In contrast, the reserves shown for sand and gravel seem incredibly high considering that responses were received for only 14no. working areas. Based on our own knowledge of the minerals industry within Mid Ulster we are surprised to note that a single operator claims to hold reserves of more than 28 million tonnes of sand and gravel. Given the importance of these reserve estimates in ensuring an adequate future supply, we would respectfully ask the Council to revisit the responses and to verify that this figure is accurate.

As a realistic estimate of available minerals reserves has not been provided, we have also concerns that this may impede or prevent other aspects of the Plan. For example SPF 8 and SPF 9 specifically require upgrades and improvements to infrastructure including railway lines and the existing road network. Paragraph 4.53 also states a commitment to the provision of a by-pass around both Cookstown and Dungannon.

¹ <https://www.midulstercouncil.org/getmedia/065606b2-8ef0-4865-91a7-b5c32e64dad5/Background-Evidence-Paper-Minerals.pdf?ext=.pdf>

To achieve these objectives, significant quantities of aggregates and mineral derived products will clearly be required but at present there is no tangible evidence to confirm that adequate minerals reserves exist.

Draft Policy MIN 1 - Mineral Reserve Policy Areas

We are disappointed to note that, despite our comments in response to the Preferred Options Paper, the same three Mineral Reserve Policy Areas are proposed. By a simple process of deduction, it is apparent that the owners/operators of these protected areas do not feature in the 'Minerals Industry Consultation' figures which provided within the Background Evidence Paper. It is therefore unclear as to why these areas should be afforded special protection over the numerous other minerals sites which exist within Mid Ulster. As stated in our response to the POP, the proposed designations at Cookstown and Dungannon will safeguard the activities of a single operator. Oddly, the proposed designation at Coalisland will safeguard a brick manufacturing industry which no longer exists within Mid Ulster.

The Draft Strategy attempts to justify these protective designations on the basis that "*...they contain important deposits of local minerals, which have important economic benefits...*". Whilst this statement may be correct in broad terms, the Strategy does not attempt to explain why these deposits are considered to be more important, in comparison to any other existing mineral operations within Mid Ulster.

The justification continues to explain that the reserve area at Ballyreagh "*...is designated to protect limestone deposits which support and ongoing business in very close proximity...*". Whilst we fully acknowledge the economic contributions of the cement plant at Cookstown, the same justification could easily be applied to our own operations at Knockloughrim. The quarry at Knockloughrim directly supports our adjacent precast manufacturing division along with a range of ready mix concrete and coated stone products. These operations currently provide direct employment for more than 170 staff and, just like the site at Ballyreagh, the products made there directly supply the local construction sector. As a whole, our Company has an annual turnover in excess of £250M and it directly employs more than 1,500 across the UK. We would highlight that our annual salary/wage bill at Knockloughrim is in excess of £4M and a considerable percentage of this money is fed directly into the local economy through shops and service.

Therefore, we submit that our operations at Knockloughrim are directly comparable to the cement works in terms of the economic/employment contribution it makes to the District. Based on the justification provided for Policy MIN 1, our mineral reserves at Knockloughrim are also worthy of special protection because they too support an ongoing business in close proximity.

We would also highlight that the proposed reserve areas only include three specific mineral types, namely limestone, shale and clay. At present, these mineral commodities are used exclusively for the manufacture of cement at Cookstown and the Strategy acknowledges that clay brick manufacturing ceased in Mid Ulster in 2009. Despite previously recognising the importance of sand and gravel extraction in Mid Ulster no areas have been safeguarded by the Draft Strategy. Similarly, no areas have been identified to protect known deposits of basalt and other hard rock for

aggregates. Alarming, the Background Paper has already identified that “...we may have inadequate supplies of hard rock...”².

It follows that the Minerals section of the Draft Strategy is flawed on the basis that it has not ensured a sufficient supply of construction aggregates to meet likely future development needs over the plan period. As a result, the proposed Mineral Reserve Areas do not include any deposits of sand and gravel and the only hardrock deposits which have been protected are used exclusively in the manufacture of cement.

The Draft Plan Strategy recognises that Mid Ulster District is a major producer of construction minerals. With this knowledge, the absence of any protective designations to safeguard construction aggregates is not a coherent strategy and this cannot possibly meet the coherence test of CE 1.

To ensure that the Plan is sound, consistent and equitable, we submit that all active/permitted minerals workings should be included within the proposed Minerals Reserve Policy Area. For hard rock quarries, we suggest that this protective designation should extend beyond the boundaries for the permitted extraction areas to take account of the standard 100m setback distance for blasting operations. Areas which would be suitable for new/extended minerals development should also be identified.

Draft Policy MIN 2 – Extraction and Processing of Hard Rock and Aggregates

We are concerned by the wording of MIN 2, in particular the emphasis it places on visual impact, protected species and biodiversity loss. We note that criterion ‘b’ of the proposed policy is not linked to areas which benefit from ecological designations and therefore it would be broadly applied to any proposed mineral development site. Similarly, the term “...undue harm or loss...” will undoubtedly provide grounds for the refusal of any application which has virtually any impact on a protected species. We note that Draft Strategy also puts forward Policies NH 1 (International Designations) and NH 2 (Protected Species) and it is not clear why additional policies are proposed which are specific to minerals development.

It is our experience that both historically and currently, the development management process is “consultee led” to a significant degree. In the past, applications have frequently been refused on the basis of concerns from a single consultee with little or no regard for the potential benefits. In our view, the proposed minerals policies provide a platform for this trend to continue (and worsen) under the remit of new Local Plan.

The proposed minerals policies make no reference to the numerous benefits of minerals development. Policy MIN 2 in particular does not encourage any consideration of the “planning balance” or a professional judgement by Council’s planning officers. In stark contrast, we would highlight the following extract from extant Policy MIN 1 of the Planning Strategy for Rural Northern Ireland:-

² <https://www.midulstercouncil.org/getmedia/065606b2-8ef0-4865-91a7-b5c32e64dad5/Background-Evidence-Paper-Minerals.pdf?ext=.pdf>

“The Department will balance the case for a particular mineral working proposal against the need to protect and conserve the environment, taking account of all relevant environmental, economic and other considerations. In all areas, decisions on mineral applications will be made with regard to the preservation of good quality agricultural land, tree and vegetation cover, wildlife habitats, natural features of interest in the landscape and sites of archaeological and historic interest.” (my emphasis added).

In summary, proposed policy MIN 2 does not give any recognition to the essential economic contribution which minerals make in Mid Ulster. This policy is biased towards the potential impacts of mineral development, with no consideration of the numerous benefits. This policy gives determining weight to individual aspects (e.g. transport, visual impact and ecology) without any overall assessment of the application as a whole. If adopted, this policy will effectively pass all decision-making responsibility to the Council’s expert consultee and this is extremely concerning for the minerals industry in Mid Ulster.

Draft Policy MIN 5 – Restoration of Mineral Sites

We fully recognize and welcome the requirement to ensure that exhausted minerals sites are satisfactorily and sustainably restored. We note the proposed requirement for a timetable for the implementation of a restoration scheme and this is broadly in line with existing industry practices. To account for market fluctuations and wider economic influences (i.e. recession) we would however suggest that appropriate flexibility should be applied to the timescales for restoration programmes.

In relation to the specific requirement for phased restoration, we would highlight that this cannot be achieved at all sites and this aspect is largely dictated by the extraction methods employed and the type of mineral which is being extraction. Progressive restoration may be possible for some small sand and gravel sites but this could not be achieved for hard rock sites as multiple working levels are often required. As such, we suggest that the need for phased progressive restoration should be assessed on a case-by-case basis and specific policy on this aspect is not necessary.

Alternatively, further clarification should be provided within the proposed policy to address these concerns. We note that the proposed policy “...will apply to all proposals for mineral development...” and this is clearly unworkable in its current form.

Conclusion

For the above reasons, we submit that the Draft Plan Strategy is unsound as it is not founded on a robust evidence base. We also submit that it has not taken account of previous representations and supporting information which has been submitted by this Company, other minerals operators and representatives of the industry.

Unfortunately, it appears that the Sustainability Appraisal/Strategic Environmental Assessment (SA/SEA) is also flawed because it too relied on these under-stated estimates of the economic contributions of the minerals industry within Mid Ulster.

Perhaps more importantly, the assessment of alternatives provided by the Interim SA/SEA states at P185:-

"This approach is likely to have positive impacts due to the safeguarding of minerals for home construction..."³

The latest version of the SA/SEA provides an entirely different comment on this issue:-

"Likely negligible effect. Whilst the availability of mineral resources for the construction of new homes can have an indirectly positive effect on the availability of homes, the achievement of this objective is primarily steered by other housing related policies."

As outlined above, only three "safeguarded" areas are identified within the Draft Strategy and none of these contain reserves of construction aggregates. Critically, these specialist minerals sites have been put forward for protection despite that fact that the accompanying Background Evidence Paper indicates an inadequate reserve of hard rock within the District.

It is therefore apparent that the options which were considered within the Interim SA/SEA have not been transposed into the Draft Strategy. The identified strategic approach, as stated by MUDC in its updated SA/SEA, is to '*reconfigure and tailor*' existing Minerals Reserve Policy Areas but clearly this has not been achieved by the Draft Strategy.

In summary, the Draft Strategy is unsound and is in conflict with the SPPS because it does not "*...ensure that sufficient supplies of construction aggregates can be made available for use within the local, and where appropriate, the regional market area and beyond, to meet likely future development needs over the plan period...*"⁴. In the absence of any designations to safeguard construction aggregates, the strategy is not coherent and the Plan cannot meet the requirements of soundness test CE 1.

I trust that this information is helpful and will be given detailed consideration by the Council. However should you require any clarification on these matters then please do not hesitate to contact me.

Yours faithfully



Paul Hamill MRTPI
Estates Manager
On behalf of FP McCann Ltd

³ [https://www.midulstercouncil.org/getmedia/ddf8afc2-3c20-430a-a1a5-d40f3aee59e5/Sustainability-Appraisal-\(incorporating-SEA\)-Interim-Report-November-2016.pdf?ext=.pdf](https://www.midulstercouncil.org/getmedia/ddf8afc2-3c20-430a-a1a5-d40f3aee59e5/Sustainability-Appraisal-(incorporating-SEA)-Interim-Report-November-2016.pdf?ext=.pdf)

⁴ [https://www.planningni.gov.uk/index/policy/spps 28 september 2015-3.pdf](https://www.planningni.gov.uk/index/policy/spps%2028%20september%202015-3.pdf)