

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 17:02
To: DevelopmentPlan@midulstercouncil.org
Subject: FW: MUDC LDP Draft Plan Strategy- Stanley Bell and Sons Representation
Attachments: Representation-Form.pdf; Stanley Bell 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 Stanley Bell and Sons.

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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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)

2. Agent Details (if applicable)

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.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:

File ref: CST/MUDC/DraftPlanStrategy/StanleyBell



Quarryplan Limited

10 Saintfield Road
Crossgar
Downpatrick
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: Stanley Bell and Sons 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, Stanley Bell and Sons Ltd ('Stanley Bell'), 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 Creagh Concrete and should be recognised as such.

Background

Stanley Bell and Sons Ltd. is an established, family run business operating in the townland of Ballynagilly, 5 miles north west of Cookstown, County Tyrone. The site is nestled in an area included in the Sperrin Area of Outstanding Natural Beauty with Davagh Forest, Teal Lough and Slaghtfreeden Bog all close by. The Company has operated in harmony with the environment at its present site since 1980 and prides itself in promoting biodiversity on the site.

The Company was established in the early 1940's when Stanley Bell began as an agricultural contractor, supporting the local rural community in planting and harvesting a range of crops.

The present site, a unique reserve of whinstone overlaid by glacial deposits of sand and gravel, supplies a diverse range of markets including construction, concrete agriculture and sports sectors providing employment in the local area.

Since 1980 the Company has provided a range of quality sand and gravel products to these sectors. Recently the company's products have received CE marking accreditation. The removal of the sand and gravel deposit has exposed the whinstone rock and allowed the Company to expand their products by adding a range of hard rock products in 2008.

Mineral Reserve

Stanley Bell currently owns and operates a single quarry at Ballynagilly Road, Cookstown. Co Tyrone BT80 9TD. A glacial deposit of sand and gravel and the underlying whinstone bedrock is currently worked at the site. As detailed in the accompanying table, the quarry has an extraction rate of c. 90,000 tonnes per annum of sand and gravel and c. 60,000 tonnes of hard rock (whinstone) per annum. At the time of writing, the remaining reserve of sand and gravel has not been calculated, however based on demand and current rate of landtake, the operator has confirmed that the existing permitted reserves are very unlikely to meet demand over the plan period.

Given the anticipated demand, it is the client's intention to submit a full planning application in order to increase the permitted reserve of sand and gravel at the quarry, the proposed development will include a lateral eastern extension. As can be seen on the accompanying plan, it is proposed that the quarry be extended eastwards.

It is therefore considered prudent that this area is protected from any surface development which would prohibit the future extraction of this mineral, with the extension proposals identified and assessed within the Council's evidence base and reflected within the LDP.

The final design and extent of the proposals have not yet been established with technical studies required, however in order to facilitate the development of the quarry, a plan is enclosed which highlights lands which should be protected from surface development and acknowledged within the LDP as a future extension area, in order to facilitate the supply of mineral from the site.

Economic Contribution

As detailed above and in the accompanying table, the mineral extracted from the client's site at Ballynagilly Road and the higher value-added activities, where the mineral is used in manufacturing processes and other products, provides employment for 8 employees. The company has an annual turnover of some £2 million. The site at Ballynagilly also has a rateable value of over £80,000 per annum.

The company, therefore, makes a notable contribution to the Mid Ulster Economy. 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 Stanley Bell, has been grossly undervalued with the Stanley Bell business alone generating a significant percentage (15%) of the reported 'value' for the whole minerals industry, from 1 site and 8 employees. 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.

No detail is provided within the DPS as to how this the mineral resource at Ballynagilly Road or other mineral resources within the district, which clearly generate economic benefits, will be protected from surface development which could impact their future existence to deliver this important resource. As detailed above, it is the intention to extend the existing quarry at Ballynagilly Road and as such, the potential 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 this area 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 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 at Ballynagilly Road has not been identified within the proposals maps as an ACMD. Notwithstanding, that the proximity of the designation to the site does limit its capability to extend in the future. As detailed within the joint representation, the proposed ACMD and Special Countryside Area designations, have not been based upon an adequate landscape assessment. The Council have not considered the capacity of specific landscapes to accommodate mineral development, with nearly identical impacts experienced in areas proposed to be designated for protection as those outwith. As such, the proposed landscape designations have been based upon an inadequate evidence base.

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 Stanley Bell 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.

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.

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 Areas Suitable for Mineral Development commensurate with the actual contribution derived from the resource, from which all subsequent prosperity is derived. See Drawings No 1-3 in the joint response.

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
Ballynagilly Road, Cookstown	Stanley Bell And Sons Ltd The Quarry, Ballynagilly Road Cookstown. Co Tyrone BT80 9TD	Unknown	c. 90,000 tonnes per annum of sand and gravel and c. 60,000 tonnes per annum of hard rock	SAND + GRAVEL 10-12 YRS ??? HARD ROCK 25 YRS.	Up to 150,000 tonnes per annum of sand and gravel and up to 100,000 tonnes of hard rock, dependent on market conditions	N/A	Yes, potential lands adjacent to site with potential for future mineral extraction	YES

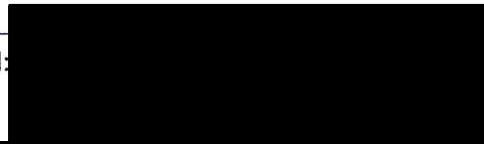
Other Info

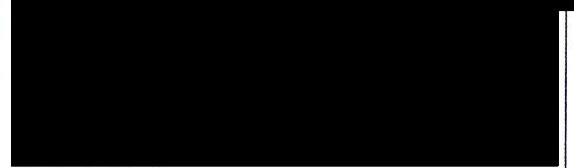
Turnover: 2.0M

No. of staff employed: 5 (Extraction)
3 (Manufacturing)

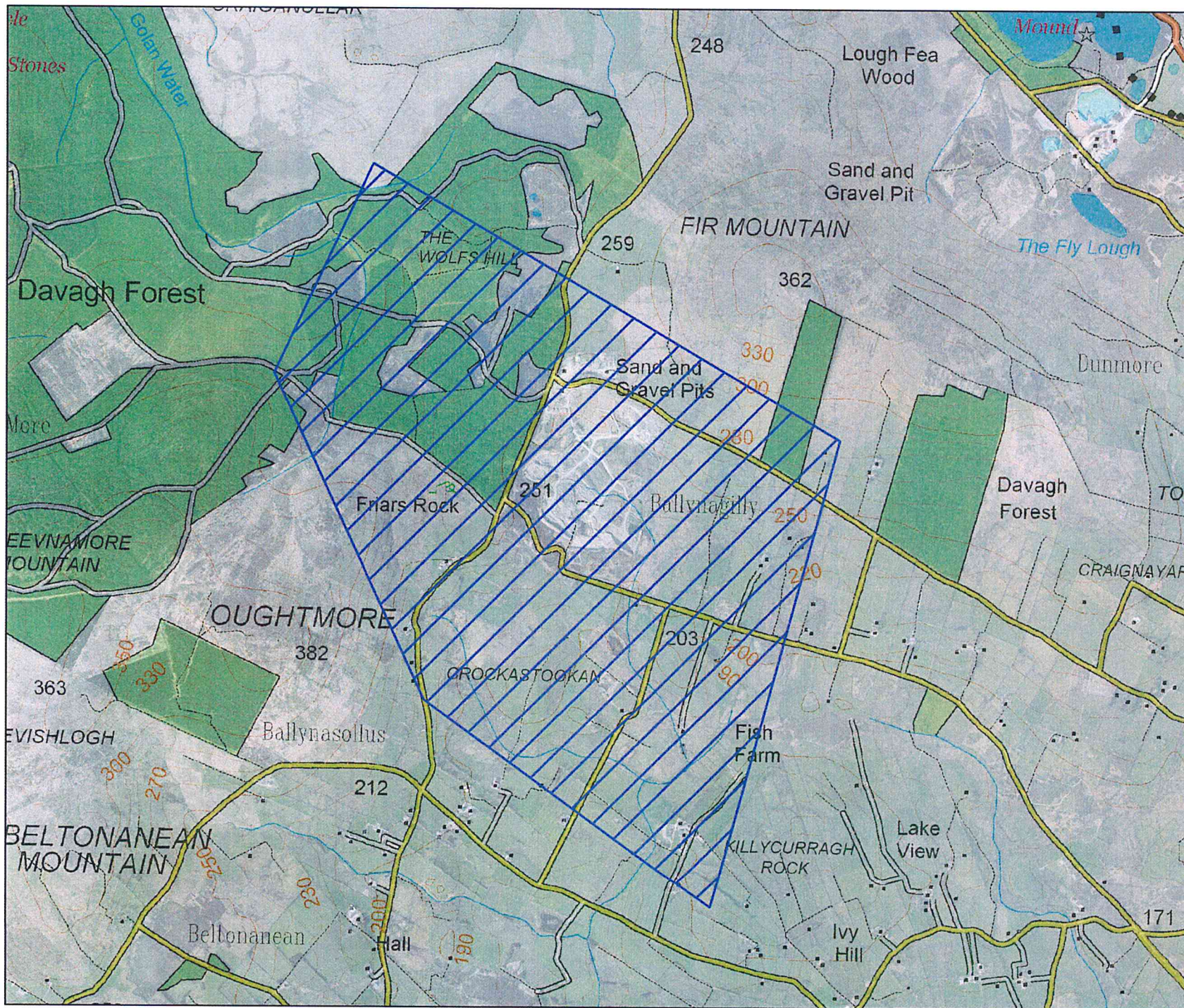
Annual Wage Bill: 225K

Annual Rateable Value: 81,950-

Signed: 

On behalf of: 

Date: 10. April 2019.



Notes:

Legend

-  Proposed Potential Extension Lands/ Areas to be safeguarded from future surface development



Contains OS Data © Crown copyright and database right 2018.

Title: Stanley Bell & Sons

Scale: 1:25,000 @A4

Dwg. No. Figure 1.0

Drawn By:
CST

Date:
17/04/2019