

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 16:28
To: DevelopmentPlan@midulstercouncil.org
Subject: MUDC LDP Draft Plan Strategy- Acheson and Glover Representation
Attachments: Representation-Form.pdf; Acheson and Glover 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 Acheson and Glover.

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

Regards
Chris

Chris Tinsley MRTPI
Senior Town Planning Consultant
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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
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="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>).

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)

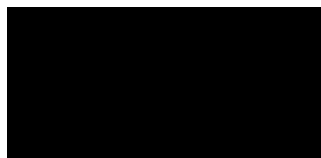
7. If you are seeking a change to the DPD, please indicate if you would like your representation to be dealt with by:

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:

9TH APRIL 2019



File ref: CST/MUDC/DraftPlanStrategy/AchesonandGlover

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

8th April 2019

Via email: developmentplan@midulstercouncil.org

Dear Sir/ Madam

Re: Acheson and Glover 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, Acheson and Glover Ltd (AG), 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, however, it is confirmed that the points made in the submission are the views of the Keenan and should be recognised as such.

Background

Established in 1960, AG has spent over 50 years designing and manufacturing a wide range of construction and landscaping products and solutions for both the commercial and the residential sectors. The company is widely recognised as one of the leading manufacturers in the UK and Ireland.

AG has grown from a small company that serviced customers just a few miles away from its original quarry to a business that now distributes a huge range of reconstituted stone products. Its customers include a huge network of major construction companies, merchants, and the general public.

The company operates 6 sites across Northern Ireland. It has a sand and gravel exaction site at 210 Camlough Road, Pomeroy with manufacturing sites at Fivemiletown; Toomebridge; Carryduff; Dugannon and Ballygawley.

Mineral Reserve

AG currently operate a sand and gravel pit at Camlough Road, Pomeroy. The operator has identified that it currently produces approximately 100, 000 tonnes of sand and gravel from the site for a range of uses, including the associated value-added activities, where the mineral is used in manufacturing processes. As detailed above, the company has a number of manufacturing facilities across NI and exports good across the UK and Ireland. The resource extracted from Mid Ulster, therefore attracts

expenditure from across the UK and Ireland and generates economic benefits across a much wider geographical area than just the Mid Ulster district.

Economic Contribution

As detailed in the accompanying table, the mineral extracted from the existing site at Pomeroy and the higher value-added activities, where the mineral is used in manufacturing processes and other products, provides employment for 205 employees. Of these jobs, 180 are within Northern Ireland and at least 55 are within the Mid Ulster District. The company has a wage bill of over £5 million. The company has an annual turnover of some £22 million.

The Sand and Gravel Pit site at Pomeroy and the manufacturing sites at Toomebridge, Dungannon and Ballygawley have a combined rateable value of over £200,000 per annum.

The company, therefore, makes a significant 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 AG, has been grossly undervalued with the AG business alone generating a larger turnover than the 'value' for the whole minerals industry provided within the DPS. 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.

As demonstrated above, the economic contribution that the extraction of sand and gravel from the site at Camlough Road extends throughout Mid Ulster and in to other districts in Northern Ireland.

No detail is provided within the plan 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.

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 as 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 Camlough 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 AG 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 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 ECON 2- Economic Development in the Countryside

Policy ECON 2 relates to development in the countryside. The policy states that proposals for economic development in the countryside will conform with the Plan for:

"c) Development within Tullyvannon and Desertcreat Rural Industrial Policy Areas or a designated Rural Industrial Policy Area in the Local Policies Plan providing it accords with any uses and requirements identified in the Local Development Plan".

Our client welcomes the inclusion of its manufacturing site within the proposed RIPA at Tullyvannon. The site is used for the manufacturing of a range of concrete products and the additional planning policy support afforded to it will encourage the future sustainable growth of the business at this location.

AG currently operates a manufacturing site at Creagh Road, Toomebridge. As referenced in the joint representation, due to the clustering of established manufacturing businesses in this area, it is considered to be one such area which would be appropriate for allocation as a RIPA. AG, and other established manufacturing sites in the area have driven enterprise in the area; significantly boosted local employment and increased local expenditure.

In designating this area as a RIPA, it will encourage the sustainable growth of the manufacturing industry within this part of the district, ensuring that businesses such as AG, can continue to deliver

the local economic benefits identified above and encourage the clustering of supply chain and other associated businesses to the area.

Whilst the designation of the site at Tullyvannon acknowledges and supports the established industrial function of this area, failure to designate other such areas such as the area at Creagh Road fails to sufficiently identify the significant contribution which the manufacturing industry in this area brings to the local economy and the benefits that such an allocation would bring in terms of sustainable economic growth and clustering of services.

Given the combined economic contribution that the manufacturing businesses in the Creagh Road make, failure to assess allocating this area as a RIPA as a reasonable alternative to the proposed policy, is considered to be a significant shortcoming in the SA/ SEA process.

Policy ECON 2 also states that proposals for economic development in the countryside will conform with the Plan:

“Where there are existing quarries, outside of areas designated for their nature conservation, heritage or landscape value, favourable consideration can be given to a directly related industry e.g. cement / concrete works or glass manufacture”

Our client welcomes provision within Policy ECON 2. It is noted that the policy relates only to development at existing quarries. Associated industry sites such as those operated by AG at Ballygawley and Dungannon are often located away from the point of extraction. Whilst the sites are not located at the quarry or pit sites, they provide an important facility which directly benefits the Mid Ulster economy. It is sites such as those that at Ballygawley and Dungannon which AG believe should also be afforded suitable policy provision in terms of favourable consideration for development directly related to the minerals industry.

Whilst AG support the provision within the policy of giving favourable consideration to directly related industries, this provision also needs to be extended to sites which are located at sites away from the extraction site where the mineral is won.

Inclusion of AG's site at Ballygawley within the proposed IRPA is welcomed, however the proposed IRPA designations fail to safeguard existing rural industrial areas which are well established, and which generate a range of positive economic benefits. The area at Creagh Road is one such area which has not been identified within the designation or considered as a reasonable alternative within the SA/SEA.

As a result, the proposed policy fails to set out a coherent strategy with directly related industrial sites often located away from the mineral point of extraction. The policy is not considered to be founded on a robust evidence base and therefore fails to comply with Soundness Tests CE1 and CE3.

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 separate 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
210 Camlough Road, Pmeroy	Acheson and Glover Limited, 127 Creevehill Road, Fivemiletown, BT75 0SY	Unknown	c. 100,000 tonnes per annum	500,000 tonnes	Up to 150,000 tonnes per annum dependent on market conditions	N/A	Yes, potential lands adjacent to site with potential for future mineral extraction	No

Other Info


Company Turnover: £22m per annum

No. of staff employed: (Extraction) 14 no. (five at Pomeroy; nine in Fivemiletown)
(Manufacturing) 91 no. (across six production sites in Northern Ireland)
(Sales and Admin) 100 no. (75% in Northern Ireland)

Annual Wage Bill: £5m across six manufacturing sites

Annual Rateable Values:
Fivemiletown- £60,000
Toome - £45,495
Carryduff - £48,540

Signed:



On behalf of: Acheson & Glover Limited

Date: 9th April 2019

Mid Ulster Local Development Plan 2030- Draft Plan Strategy
Mineral Supply Form



Dungannon - £43,740

Ballygawley - £97,170

Pomeroy- £18,300