

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: 19 April 2019 08:44
To: DevelopmentPlan@midulstercouncil.org
Subject: MUDC LDP Draft Plan Strategy- Whitemountain Representation
Attachments: Breedon 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 Breedon Group (Whitemountain).

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

Regards
Chris

Chris Tinsley MRTPI
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10 Saintfield Road
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T: [REDACTED]
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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

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="██████████"/>
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).

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/Breedon



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

19th April 2019

Via email: developmentplan@midulstercouncil.org

Dear Sir/ Madam

Re: Whitemountain Sand - Breedon Group 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, Breedon Group ('Breedon') 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 Breedon and should be recognised as such.

Background

Whitemountain, the operating company for Breedon is one of the five sand trading businesses of Lough Neagh which came together to form a limited company in 2015 (Lough Neagh Sand Traders Association Ltd) to enable a collegiate, comprehensive and coordinated response to the planning and regulation of the sand extraction, processing and trading activity which has been ongoing for the past seven decades. Sand dredging is recognised by Lough shore communities as an established feature of the life of the Lough and its surrounding environment. LNST regard this interaction with the planning system as part of their ongoing commitment to the responsible and sustainable management of the Lough, as a long-standing indigenous stakeholder in its past, present and future.

Whilst the process of extraction of minerals (sand and incidental gravel) from the bed of the Lough is well established and has been recognised by successive planning authorities for many years, it does not have planning permission.

The extraction of sand from the Lough is the subject of a deemed planning application before the Planning Appeals Commission and a planning application currently under consideration by the Department for Infrastructure (DfI) under the Planning Application references (2015/E0023-28) and LA03/2017/0310/F respectively. A decision is currently awaited and in the interim, mineral is extracted from the Lough in accordance a number of interim measures issued and closely monitored by the DFI.

Whitemountain operates a site for the landing and processing of mineral extracted from the Lough at 17 Shore Road, Sandy Bay, Upper Ballinderry, Lisburn. Three barges operate from the site, with 8 staff directly employed associated with the sand extraction operation with a further 69 supported in the associated manufacturing processes.

Extraction Area

The current/ proposed extraction area is located wholly within the Mid Ulster District Council (MUDC) administrative area, which covers the western and south western extents of Lough Neagh. The extraction area is c. 3.2 miles to the south east of Ballyronan.

The extent of the 2 areas identified as the Extraction/ Dredging Area have been established via borehole, grab sample and seismic analysis, which has permitted the determination of sand and gravel deposit depths remaining within the Lough and the resource volume.

Full details of the site investigation and the sand extraction process is provided at Chapter 2 of the Environmental Statements submitted under the Planning Application references (2015/E0023-28) and LA03/2017/0310/F, a copy of which is held by the Council.

As demonstrated via Whitemountain's operations, whilst the extraction area is located wholly within the MUDC Administrative Area, the sand extracted from this part of the lough is landed within the Lisburn City and Castlereagh Council Area. The resource extracted from Mid Ulster, therefore generates economic benefits across a much wider geographical area than just Mid Ulster.

Economic Contribution

As detailed in the accompanying table, the extraction of sand from Lough Neagh makes a significant contribution not only to the Mid Ulster District, but also to other regions of Northern Ireland. The accompanying table shows that the value of turnover (i.e. sales) from Whitemountain was some £21.6 million This is attributal directly to sand dredging but also by higher value-added activities, where the sand is used in manufacturing processes and other products. In this instance, sand is used for the production of Concrete and Asphalt Products.

The winning and working of the mineral extracted from within Mid Ulster (both extraction and associated manufacturing) provides employment for 77 employees, resulting in an annual wage bill over £3.3 million.

The extraction of sand from Lough Neagh therefore generates significant economic benefits outside of the Mid Ulster district, with manufacturing processes directly reliant upon the mineral. 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 Whitemountain, has been grossly undervalued, indeed the reported value is less than that attributable to Whitemountain. 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 from Lough Neagh brings to the local and regional economy is significant. No detail is provided within the plan as to how this resource and its associated economic benefits will be considered in terms of future planning policy provision or how demand may be met if planning permission for extraction of the mineral from Lough Neagh is not granted.

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). As a result, 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 Lough Neagh has not been identified within the proposals maps as an ACMD. Given that the extraction of sand from the Lough is currently the subject of a planning application and enforcement appeal, any proposed designation is considered likely to be prejudicial.

As outlined separately within the joint submission Whitemountain 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.

As a result, the policy is considered to fail to comply with Soundness Tests CE1 and CE2.

The policy goes on to state 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 wording used is overtly prescriptive and is not reflective of regional planning policy. The policy categorises local designation (e.g. SLNCl's) with European sites and introduces a new test for European designated sites. The approach is confused, imprecise and contradicts regional guidance for others.

For example, paragraph 6.175 of the SPPS states that

"Development proposals are restricted where they are likely to impact upon the integrity of European or Ramsar sites as these are afforded the highest form of statutory protection".

The phrase "essential characteristics" is not used anywhere within the SPPS when detailing policy with regards to local, national or international designations.

Paragraph 6.158 of the SPPS states that:

"Minerals development within or in close proximity to an area that has been designated (or is proposed for designation) to protect its landscape, scientific or natural heritage significance will not

normally be granted permission where this would prejudice the essential character of the area and the rationale for its designation”.

The SPPS is therefore a two-part test as it states that planning permission will **not normally be granted** where this would prejudice the essential character of the area and the rationale for its designation. Thus, the existing SPPS policy is considered to have the potential to permit exceptional cases.

The proposed wording has unreasonably become more prescriptive by removing the reference to “not normally” and lacks clarity and fails to comply with regional planning policy. 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.

For the reasons set out within this individual representation and detailed within the combined 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

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



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
<p>Extraction area c. 3.2 miles to the east of Ballyronan.</p> <p>Landing Point at Sandy Bay;</p> <p>19 Shore Road, Upper Ballinderry, Lisburn, Antrim, BT28 2LF</p>	<p>Breedon</p> <p>5 Blackwater Road, Mallusk, Newtownabbey, Co Antrim, BT36 4TZ</p>	<p>Unknown- sand has been historically dredging from the Lough for decades.</p>	<p>c. 282,000 per annum (2018)</p>	<p>No permitted reserves- the extraction of sand from the Lough is the subject of a deemed planning application before the Planning Appeals Commission and a planning application currently under consideration by the Department for Infrastructure (DfI) under the Planning Application references (2015/E0023-28) and LA03/2017/0310/F respectively.</p>	<p>Up to 450,000 per annum</p> <p>Combined output restricted to 1.5 million tonnes per annum.</p>	<p>Planning permission is sought for a period of 15 years.</p>	<p>Yes- calculated resources of up to 100 million tonnes in Lough.</p>	<p>N/A</p>

Other Info

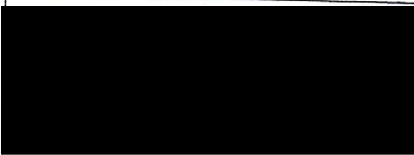
Turnover:

£20 million (Internal Breedon revenue for which sand from Lough Neagh is used in Asphalt and Concrete Products). Additional **£1.6 million** – generated from External revenue from direct sand sales (ex works). (The above figures include Aggregate levy and VAT)

No. of staff employed: 8 (Extraction)
69 (Manufacturing)

Annual Wage Bill: £3.3 million

Annual Rateable value: N/A



On behalf of: *White Mountain Quarries Ltd*

Date: *17 April 2019*