



Comhairle Ceantair
Lár Uladh
Mid Ulster
District Council

MID ULSTER

Mineral Development – Policy Review April 2016

MINERAL DEVELOPMENT POLICY REVIEW

Purpose: To provide the council with an overview of existing mineral planning policy and how it compares with the objectives of the SPPS, the Sustainability Appraisal and the Councils growth strategy, in preparation for the new Local Development Plan.

Content: This paper provides:-

- i. An outline of the objectives contained in the Councils growth Strategy which are relevant to mineral development.
- ii. An outline of the objectives contained in the Sustainability Assessment which are relevant to mineral development.
- iii. An overview of existing policy and how it conforms with the SPPS and the objectives
- iv. Options for the future policy direction of the new mineral planning policy and assessment of those options
- v. Potential wording of new minerals planning policy

Recommendation:

The policy options, including the preferred options, contained within this Paper are subjected to Sustainability Appraisal / Strategic Environmental Assessment, before any final decisions are made on which will go forward for public consultation in the Preferred Options Paper.

1.0 Introduction

1.1 The purpose of this paper is to inform the Planning Committee of current planning policies associated with minerals development and assess whether or not they are fit for purpose against the Council's objectives regarding the development of minerals, through the new Local Development Plan (LDP) 2030 and whether they need to be tailored to the specific needs of this district.

1.2 This paper also contains consideration of how existing planning policies relevant to minerals take account of the Regional Development Strategy 2035 (RDS 2035), the Strategic Planning Policy Statement (SPPS), Sustainability Appraisal themes and the proposed LDP objectives. It is worth noting that a specific workshop was not held with members on this particular policy review given that the Position Paper in relation to Minerals was recently presented to Planning Committee.

Legislative Context

- 1.3** Article 5 of the Planning Act (Northern Ireland) 2011 states that the creation of planning policy as part of the Plan Strategy must be done with the objective of furthering sustainable development and in so doing, must take account of policies and guidance issued by OFMDFM, DOE and DRD. Examples of such policies and guidance are, the Regional Development Strategy (RDS) 2035 and the Strategic Planning Policy Statement (SPPS). Further detail on the legislative context of Mineral Development in Northern Ireland is set out within the Minerals Position Paper presented to Planning Committee in January 2016.

2.0 The Objectives

(a) Mid Ulster Council

- 2.1** Position Paper 1¹ outlined a number of key policy objectives that will assist the formulation of the new LDP. Of these objectives, there are a number which relate to the need to ensure the minerals industry is supported and encouraged to grow and these are highlighted below. These objectives are relevant to minerals development because of the jobs which can be created in the industry and also because of the development which is needed in the District and for which a reliable supply of minerals is necessary.

- a) To promote diversity in the range of jobs recognising the importance of employment in the primary sector (agriculture forestry and mining), secondary sector (industry and manufacturing) and tertiary sector (administration, commerce, retailing, leisure and tourism).
- b) The need to protect and enhance the natural and built environment to achieve biodiversity, quality design, enhanced leisure and economic opportunity and promote health and welling.
- c) To provide for 10,950 new homes between 2015 - 2030 in a range of housing capable of meeting the needs of families, the elderly and disabled, and single people, at locations accessible to community services, leisure and recreational facilities, for those people with and without a car.
- d) The need to improve connectivity between and within settlements and their rural hinterland through accommodating investment in transportation to improve travel times, alleviate congestion and improve safety for both commercial and private vehicles as well as more sustainable modes of transport including buses, walking and cycling.
- e) To provide for vital and vibrant rural communities whilst protecting the countryside in which they live by accommodating sustainable growth within the countryside proportionate to the extent of existing rural communities.

(b) Sustainability Appraisal (SA)

¹ Position Paper one, population and Growth, September 2014, Mid Ulster.

- 2.2** A sustainability appraisal is a systematic process which must be carried out during the preparation of a Local Development Plan in order to promote sustainable development by assessing the extent to which an emerging plan will achieve required environmental, economic and social objectives. In June of 2015², the Council received a paper outlining what the objectives of this process would be.
- 2.3** With specific reference to **economic growth** and according to the SA, current and future planning policies should take account of the need to;
- Encourage sustainable economic growth which improves businesses and enhances productivity.
 - To provide opportunities for long term employment to those most in need of employment
 - To encourage sufficient patterns of movement (can be addressed partly by having materials needed for construction produced locally)
- 2.4** With specific reference to **social improvement** and according to the SA, current and future planning policies should take account of the need to;
- To provide everyone with an opportunity to live in a decent home (construction industry is dependent on a reliable local supply of minerals).
 - To reduce poverty and social exclusion, in particular, in those areas most affected
- 2.5** With specific reference to **environmental protection** and according to the SA, current and future planning policies should take account of the need to;
- To conserve and enhance biodiversity.
 - To maintain and enhance the quality and character of landscapes and townscapes

² Sustainability Assessment Incorporating Strategic Environmental Assessment, Mid Ulster District Council, June 2015.

SA THEME	OBJECTIVE	RELEVANT TO MINERALS
PROMOTE ECONOMIC GROWTH	Encourage sustainable economic growth which improves businesses and enhances productivity.	Mid Ulster employs more people in the minerals industry than any other district of Northern Ireland. Therefore, in order to facilitate economic growth, this vital employment sector should be sustained and helped to grow, where possible. In addition, the construction industry in Mid Ulster employs more people than the NI average and it is heavily dependent on a vibrant local mineral industry.
	To provide opportunities for long term employment to those most in need of employment	QPANI have stated that 75% of all jobs provided by quarrying are in areas of targeted social need. Therefore, by continuing to facilitate quarrying development, a vital source of employment in areas of need will be sustained.
	To encourage sufficient patterns of movement	By ensuring that raw materials for the construction industry are able to be sourced from nearby locations, more efficient movement patterns within the district are promoted.
CONTRIBUTE TO SOCIAL IMPROVEMENT	To provide everyone with an opportunity to live in a decent home.	To sustain house building in the district, a ready supply of raw materials such as sand, gravel and crushed rock must be available.
	To reduce poverty and social exclusion, in particular, in those areas most affected	QPANI have stated that 75% of all jobs provided by quarrying are in areas of targeted social need. In Mid Ulster, a lot of quarries are located in upland rural areas. By continuing to support such enterprises, social exclusion and poverty in such areas can be combatted by the creation of jobs and the improvement of living standards
PROTECT THE ENVIRONMENT	To conserve and enhance biodiversity	By their nature, quarries often need to be located in remote rural areas which can have conservation, visual or biodiversity merit. Planning policy therefore needs to protect such areas from mineral development.
	To maintain and enhance the quality and character of landscapes and townscapes	Parts of the country which are of significant beauty tend by their nature to contain minerals for development. Attention must be paid to the impact which mineral development will have on the visual merit of these locations.

(c) Strategic Planning Policy Statement (SPPS)

- 2.6** The RDS provides an overarching strategic planning framework to facilitate and guide development in Northern Ireland. It sets out its objectives in terms of economic, social and environmental aims in order to achieve sustainable development. It has clear overarching objectives for the development of economic land and these have been fully considered when formulating the objectives of the SPPS.
- 2.7** The SPPS is a statement of the Department's policy on planning matters that should be implemented across Northern Ireland and it was formally adopted in September 2015. It has been agreed with the Northern Ireland Executive and its objectives have been judged to be in general conformity with those of the RDS. The regional strategic objectives contained within the SPPS in relation to minerals development are as follows;
- Facilitate sustainable minerals development through balancing the need for specific minerals development proposals against the need to safeguard the environment;
 - Minimise impacts of mineral development on local communities, landscape quality, built and natural heritage, and the water environment, and
 - Secure the sustainable and safe restoration, including appropriate re-use of mineral sites, at the earliest opportunity
- 2.8** The SPPS states that the LDP should bring forward appropriate policies and proposals that must reflect the policy approach within it tailored to plan area circumstances and in particular should:
- Safeguard mineral resources which are of economic or conservation value and seek to ensure that workable mineral resources are not sterilised by other surface development which would prejudice their future exploitation.
 - The plan should ensure that sufficient local supplies of aggregates can be made available for use within the local area and where appropriate the regional market and beyond to meet likely future development needs over the plan period.
 - Identify areas which should be protected from minerals development because of their intrinsic landscape, amenity, scientific or heritage value. These are known as Areas of Constraint on Mineral Development (ACMD's).

3.0 Existing Policy

- 3.1** The PSRNI currently provides the operational planning policy for mineral development. The concept of sustainability is a notable element of the strategy, however it does recognise the difficulties this can pose in the context of mineral development. It recommends that the rate of consumption of finite minerals should be reduced by encouraging the use of renewable and recycled alternatives wherever this is economically viable and practical. The PSRNI largely mirrors the provisions of the recently adopted Strategic Planning Policy Statement (SPPS) (considered in detail below) in that it recognizes the need to facilitate mineral development while also affording sufficient protection to the environment. The main difference between the two documents is the stipulation

within the Strategic Planning Policy Statement (SPPS) that there is a presumption against development for the extraction of hydrocarbons (including “fracking”).

- 3.2 The provisions of each policy and the extent to which they are deemed to be in accordance with the objectives outlined above are discussed in the following paragraphs.

POLICY MIN 1- ENVIRONMENTAL PROTECTION

- 3.3 Policy MIN 1 states that applications for minerals development which are located close to or within environmental designations such as Areas of Special Scientific Interest (ASSI’s) will not normally be approved and that the planning authority will balance the need to protect the environment in such areas against the environmental and economic benefits which will result from the development.

Does Policy Meet Objectives?

SPPS

- 3.4 This policy is designed primarily to ensure that sufficient consideration is given to the economic impacts of minerals development. It is mirrored in the SPPS (para 6.158) and is also in conformity with the general aims of the SPPS, including the need to *“facilitate sustainable mineral development through balancing the need for specific minerals development proposals against the need to safeguard the environment”* and also the aim of *“minimising the impacts of mineral development on local communities, landscape quality, built and natural heritage.”*

SUSTAINABILITY APPRIASAL (SA)

- 3.5 MIN 1 is found to be in accordance with the aims of the SA. The SA aims to *“protect and enhance biodiversity”* and it is felt that the policy goes some way to achieving this by stating that development in ASSI’s will not normally be permitted. It is felt however that the policy could be stronger here and perhaps indicate a general presumption against development in ASSI’s. This is something which had been alluded to in the minerals position paper, where it was noted that none of the three options for the zoning of ACMD’s included protection for all ASSI’s and this could be achieved by a general presumption in policy against mineral development in ASSI’s.

COUNCIL GROWTH STRATEGY

- 3.6 One of the aims of the Council’s growth strategy was the need to need to *“protect and enhance the natural and built environment to achieve biodiversity, quality design, enhanced leisure and economic opportunity and promote health and wellbeing.”* It is felt that MIN 1 goes some way to achieving this, particularly in relation to the protection of the natural environment and the achievement of biodiversity.

POLICY MIN 2 – VISUAL IMPLICATIONS

- 3.7 MIN 2 points out that by its nature, minerals development tends to occur in some of the more remote and beautiful parts of the countryside including

designations such as AONB's. Whilst it would be unrealistic to dispense of the valuable deposits of resources in these areas, important consideration must be given to the impact that will be had on these important landscapes. Development should respect existing land features and operations that would impact upon the skyline should be avoided. Likewise, the positioning of plant machinery, stockpiles and waste material should be considered in relation to their visual impact.

Does Policy Meet Objectives?

SPPS

- 3.8** MIN 2 meets the SPPS requirement that the planning authority should balance the need to develop minerals against the need to safeguard the environment. MIN 2 recognises this by stating that whilst essential minerals should not be lost, the impact which their development will have on the visual merit of the landscape is an important consideration. Every effort should be taken to ensure that the landscape character is protected at all times. This is also directly in conformity with the second minerals objective of the SPPS.

SUSTAINABILITY APPRAISAL

- 3.9** As well as conserving and enhancing biodiversity, the Sustainability Appraisal promotes the protection of quality and character of landscapes. MIN 2 is clearly in accordance with this because it attaches significant weight to the protection of our landscapes.

GROWTH STRATEGY

- 3.10** MIN 2 also accords with the growth strategy in that it allows for development which will provide jobs, facilitate growth but yet balances this with the need to protect the natural environment.

POLICY MIN 3 – AREAS OF CONSTRAINT

- 3.11** MIN 3 states that in areas which have been designated as ACMD by the Plan, there will be a presumption against development involving the extraction or processing of minerals. There may be exceptions to this policy where the proposals are short term and the environmental implications are limited. However, even in such cases, the onsite processing of excavated material will not be permitted.

Does Policy Meet Objectives?

- 3.12** MIN 3 seeks to protect sensitive areas from mineral development. The areas in question will be worthy of protection because of their historic, archaeological, or scenic merit. This is in accordance with the objectives of the SA, Growth Strategy and the SPPS, all of which support the development of mineral resources but also realise the need to protect environmentally sensitive areas and areas of character. The SPPS also makes provision for the planning authority to still facilitate some minerals development within these areas, where the impacts will not be significant (para. 6.155) and this is also reflected in existing policy.

POLICY MIN 4 – VALUABLE MINERALS

- 3.13 MIN 4 states that where minerals which are perhaps “uncommon”, yet are valuable to the economy (examples given are gas, lignite or oil), are found then there will **not** be a presumption against their development, rather they will be considered on their merits. Where these minerals are located in a statutory policy area, then due weight will be given to that zoning.

Does Policy Meet Objectives?

- 3.14 This policy would seem to promote sustainable economic growth by not ruling out the exploitation of economically valuable minerals, yet still affording due weight to environmental designations and tests laid out within other policies. It could therefore be claimed that this policy meets the tests set out in the Sustainability Appraisal and in the Councils growth strategy i.e. promote and protect the natural environment and biodiversity whilst also promoting economic growth.
- 3.15 It is also in accordance with the SPPS because it seeks to “safeguard mineral resources which are of economic or conservation value,” although the SPPS does go further to specifically state that there **will** be a presumption against the extraction of hydrocarbon gases (fracking).

POLICY MIN 5 – MINERAL RESERVES

- 3.16 MIN 5 states that where valuable mineral resources have been identified and where these are protected by the Plan, then surface development which would prejudice the future exploitation of these resources, will not be permitted.

Does Policy Meet Objectives?

- 3.17 This policy is ensuring that there are an adequate supply of minerals available to facilitate future development, provide employment opportunities and enable the construction industry to build houses and other infrastructure, thus ensuring economic growth and social improvement throughout the district.
- 3.18 This is in accordance with the objectives of the SPPS (para. 6.155) and also with the economic and social objectives of the SA and the council’s growth strategy which specifically relate to the need for economic growth and the construction of an adequate supply of housing, the latter of which is obviously dependent on an ready and accessible supply of minerals.

POLICY MIN 6 – SAFETY AND AMENITY

- 3.19 MIN 6 states that where proposed minerals development would prejudice the safety and amenity of neighbouring land uses, particularly housing, then permission will normally be refused. The relevant authority will judge if levels of nuisance are acceptable or not. Proposals for housing development on land where underground extraction methods have been or are continuing to be carried out will be unacceptable and likewise, proposals for underground extraction on land where existing buildings are located will also be unacceptable.

Does Policy Meet Objectives?

3.20 This policy is directly in accordance with the SPPS requirements (para 6.159). The SPPS also states however that the developer will be allowed the opportunity to demonstrate that the effects of the mineral proposal can be mitigated against. The direct wording of the SPPS states that;

Where such impacts are judged to be incompatible with the standards of amenity acceptable to the planning authority, planning permission should be refused, **unless the developer can demonstrate adequate means of mitigation.**

3.21 Therefore, while the PSRNI doesn't give scope for the developer to demonstrate that any issues of incompatibility between proposed mineral development and surrounding land uses can be overcome, the SPPS does afford this to the developer.

3.22 Whilst is not specifically relevant to the development of minerals, one of the key themes of the SA is the promotion and protection of health and wellbeing. By endeavouring to ensure that the safety of residents and buildings who are close to minerals development are protected and not put at risk by development, the existing policy is in accordance with this objective of the SA.

POLICY MIN 7 - TRAFFIC

3.23 Policy MIN 7 seeks to ensure that road safety is not prejudiced by mineral development. Where traffic resulting from a mineral development proposal would impact on the convenience and safety of road users, permission will normally be refused. MIN 7 also includes provision for the importance of the mineral to the economy and the potential for it to be mined at other locations, to be considered in any decision where access is being taken from a major transport network.

Does Policy Meet Objectives?

3.24 MIN 7 is designed to ensure there is minimal impact caused on the environment, residential amenity and public safety by the traffic which is associated with minerals development. In this regard, it is in accordance with the objectives of the Sustainability Appraisal and the SPPS and the LDP growth strategy which refer to the need to promote health and wellbeing as well as protect the environment whilst also facilitating development which can help our economy.

3.25 The impact of heavy Lorries and machinery can be very controversial, particularly in remote rural areas which are served by minor roads, where a lot of mineral development can take place. The impact of such traffic at the Cavanacaw goldmine near Omagh is well known and show how important it is to achieve the right balance between facilitating development and respecting the interests of road users.

POLICY MIN 8 – RESTORATION

3.26 The extraction of minerals is a temporary land use. Once quarrying has finished the land can be recycled or reused through restoration. MIN 8 states that applications for minerals development must include satisfactory restoration proposals following completion of mining or extraction activity. This is in

accordance with the sustainability objectives of the SA, the LDP Growth Strategy and in direct conformity with a key aim of the SPPS.

3.27 Given the rural nature of most mining operations (and indeed, the majority of the Mid Ulster District), it could be argued, the preferred restoration or after use would be a return to agricultural land. Although the exact nature of potential restoration uses will depend on a variety of factors including the surrounding land use, the nature of the deposit in question and any biodiversity merit of the area.

3.28 All of these individual aspects of minerals policy as set out in the PSRNI are reflected in the SPPS and this is shown in the table below. Therefore, Mid Ulster’s new Minerals Planning Policy which obviously must be mindful of the SPPS will also incorporate most of the policy concerns as laid out above although the format of a new policy might well be considerably different.

PSRNI POLICY	INCLUDED IN SPPS
MIN 1 – ENVIRONMENTAL PROTECTION	YES - 6.158
MIN 2 – VISUAL IMPLICATIONS	YES – 6.165
MIN 3 – AREAS OF CONSTRAINT	YES – 6.153
MIN 4 – VALUABLE MINERALS	YES – 6.157
MIN 5 - MINERAL RESERVES	YES – 6.155
MIN 6 – SAFETY AND AMENITY	YES – 6.159
MIN 7 – TRAFFIC	YES – 6.160
MIN 8 – RESTORATION	YES – 6.167

4.0 Options for Policy Approach Moving Forward

4.1 A key policy decision which must be made at the outset of the LDP process, in relation to minerals development is whether or not the Plan will contain Areas of Constraint on Mineral Development (ACMD’s). A report by the Planning Appeals Commission (PAC) into the draft Magherafelt Area Plan 2015 pointed out that the imposition of ACMD’s may potentially be erroneous because insufficient data exists regarding the exact extent of mineral reserves across Northern Ireland. The publication of the Mineral Resource Map in May 2012 began to address this but further investigation is required.

- 4.2** As a result of this report by the PAC, the Magherafelt Plan when published in its final form, did not contain any ACMD's. Similarly, the two subsequent plans published by DOE, namely the Banbridge Newry and Mourne and the Northern Plan also did not contain any either.
- 4.3** It is therefore an option for the LDP not to contain ACMD's. If this option were adopted, then every proposal for mineral development would be assessed on its own merits against a criteria based policy. In this scenario where a proposed development meets the criteria in the policy, then planning permission would be granted. This approach would however sit at odds with the SPPS insofar as it states that the LDP should identify ACMD's.
- 4.4** Alternatively, the new LDP could include areas of mineral constraint and areas of mineral protection. The Plan would then also have corresponding policy setting out how applications which are located in these zonings should be assessed. Elsewhere in the District, i.e. outside these zonings proposals for mineral development would be assessed against a general policy for mineral development. Such an approach would conform with the strategic policy within the SPPS. This approach provides some degree of certainty to developers/operators and ensures that adequate provision is made for mineral development while affording protection to those areas where it is appropriate to do so.
- 4.5** There are therefore two options open to the new LDP on the approach to be taken to mineral constraint and protection:

Option 1—The LDP will not contain any areas of mineral constraint or areas of mineral protection. All applications for mineral development within the District, regardless of their location, will be assessed against a criteria based policy and if a proposal meets the criteria then it shall accord with the Plan. That criteria based policy could be worded along the lines of that currently contained within the SPPS.

Option 2—The LDP will contain areas of mineral constraint and areas of mineral protection. The Plan will also contain policies which will set out how proposals for minerals development which are located within these zonings will be assessed. In areas of mineral constraint, there will be a presumption against development unless in a pre-defined set of circumstances. In areas of mineral protection, there will be a presumption against surface development which would prejudice the future exploitation of important mineral reserves. This option would also take the approach that elsewhere in the District i.e. outside of these zonings, proposals will be assessed against a general policy for mineral extraction.

ASSESSMENT OF OPTIONS

- 4.6** It is recommended that Option 2 be adopted as the preferred option. The SPPS specifically states that councils should “identify areas which should be protected from minerals development because of their intrinsic landscape, amenity, scientific or heritage value.” The document also states that councils should

“safeguard mineral resources which are of economic or conservation value and that these resources are not prejudiced by surface development.”³

- 4.7** Option 2 would be directly in accordance with these aims of the SPPS. By adopting option 1, the potential for challenges regarding the extent and existence of areas of constraint, as alluded to by the PAC in their report into the draft Magherafelt Area Plan, would be avoided. However, this option would be directly at odds with the SPPS. The SPPS says that councils should bring forward appropriate policies and proposals that must reflect the policy approach of the SPPS. By adopting option 1 and not designating any areas of constraint on mineral development or areas of mineral protection, the Council would be failing to reflect the policy approach of the SPPS.
- 4.8** As well as this, by adopting Option 1, there would be no way of protecting vulnerable landscapes such as those identified in the Landscape Assessment Paper. Option 1 would leave these areas at the mercy of mineral development with no protection other than that provided by a criteria based policy. The Minerals Position Paper which was presented to Planning Committee in January stated that the preferred option would be to designate areas of mineral constraint at all of those areas which were identified as vulnerable landscapes but exclude those areas which are currently experiencing high levels of quarrying activity.
- 4.9** Therefore, while the LDP will have designated Areas of Constraint on Mineral Development, it will be important to ensure that these zonings are imposed after careful consideration of all available evidence and not just imposed freely across all sensitive landscapes and environmentally sensitive areas. Further consultation will be carried out with QPANI in a bid to better understand the mineral requirements of the district so that the areas of constraint will not place an undue burden on the minerals industries in Mid Ulster.

5.0 Proposed Changes to Policy

- 5.1** Having undertaken the evidence gathering contained within the Minerals Position Paper and considered the SPPS and the Rural Strategy it is felt that the approach to minerals planning policy in the new LDP should be more concise and less fragmented than the current prevailing policy which is laid out in the Planning Strategy for Rural Northern Ireland.
- 5.2** Applications for the extraction of hydrocarbons will be dealt with in line with regional policy (i.e. the SPPS) and this will mark the only notable difference from existing policy approach of the Rural Strategy.
- 5.2** Instead of adopting 8 separate policies as contained with the Rural Strategy, it is considered that these policies can be combined to form 3 separate policies for the following aspects of minerals development;

³ SPPS, Para 6.155

- i. A general policy on mineral extraction which will be relevant to all applications which fall outside an area of mineral constraint or an area of mineral protection.
- ii. A policy for applications which fall inside an Area of Constraint on Mineral Development
- iii. A policy for applications which fall inside a Mineral Policy Area i.e. an area where mineral resources are protected.

5.3 These three strands will combine all the existing policy requirements which are laid out in the SPPS and which are also included in the PSRNI. The Table below summarises the potential layout of new policies.

NEW POLICY	NEW POLICY DETAIL	SPPS POLICY PROVISION INCLUDED	PSRNI POLICY PROVISION INCLUDED
MIN 1	General Extractive Policy for minerals applications outside zonings	MIN 1, MIN 2, MIN 4, MIN 6, MIN 7, MIN 8	<ul style="list-style-type: none"> • 6.158 • 6.165 • 6.157 • 6.159 • 6.160 • 6.167
MIN 2	Policy for applications in Areas of Constraint on Mineral Development	MIN 3	<ul style="list-style-type: none"> • 6.155
MIN 3	Policy for applications in Mineral Policy Areas	MIN 5	<ul style="list-style-type: none"> • 6.155

6.0 Preferred Option Policy Wording

6.1 It is considered that the policy approach of Option 2 could be worded along the following lines:

6.2

POLICY MIN 1 – MINERAL DEVELOPMENT

Outside of Areas of Constraint on Minerals development shall accord with the Plan where all the following criteria are met:

- a) *The development will not 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;*
- b) *Special attention is paid to accommodating protected species and protecting biodiversity;*

- c) *The developer has demonstrated that there will be no significant risk to public safety or amenity caused by dust, noise, blasting or the use of chemical and / or biological agents;*
- d) *The developer has demonstrated that the development would not impact negatively upon the safety and amenity of occupants of development in close proximity to the mineral working and / or its transport routes as a result of noise, vibration and dust arising from the excavation process or from the transportation of materials. This criteria will be of particular relevance to proposals involving the use of explosives in the extraction process;*
- e) *The transportation of materials will not significantly impair the safety and amenity of road users and residents along the roads where extracted materials will be transported, by virtue of unacceptable volume of traffic or by vibration, dust or noise associated with the proposed development;*
- f) *The development will not have an unduly obtrusive or negative impact on the landscape, such as breaking a skyline or failing to make the most of natural landscape features to aid integration. The location of plant machinery, waste material or the stockpiling of equipment or mineral product are also important considerations when assessing the visual impact on the landscape and the impact of these things will be considered to be part of the development in its entirety;*
- g) *The proposed development must contain details of restoration proposals which are commensurate with the scale of the development and which takes account of the type of deposits in the ground, the excavation methods used and the characteristics of the surrounding landscape;*

Applications for the extraction of peat for sale will not accord with the Plan if the proposal fails to protect the bog land and its valuable nature conservation interests as well as protecting landscape quality, particularly in AONB's.

Applications for the extraction of Hydrocarbons (oil and gas) shall be determined in line with strategic policy as contained in the Strategic Planning Policy Statement (SPPS).

POLICY MIN 2 – AREAS OF CONSTRAINT ON MINERAL DEVELOPMENT

Extraction or processing of minerals within an Area of Constraint on Mineral Development shall not accord with the Plan. Exceptions may be made for the minor expansion of existing workings OR where extraction will provide important benefits to the local community such as the provision of building materials for the restoration and repair of buildings of built conservation interest. In all cases, the following criteria must be met;

- a) *The application is for a proposal with a short term of extraction;*
- b) *It can be demonstrated that there will be limited environmental impacts;*

- c) *There will be no on site processing of excavated material;*
- d) *In all of the above cases, adequate restoration proposals are provided in line with part g) of Policy MIN 1.*

POLICY MIN 3 - MINERAL POLICY AREAS

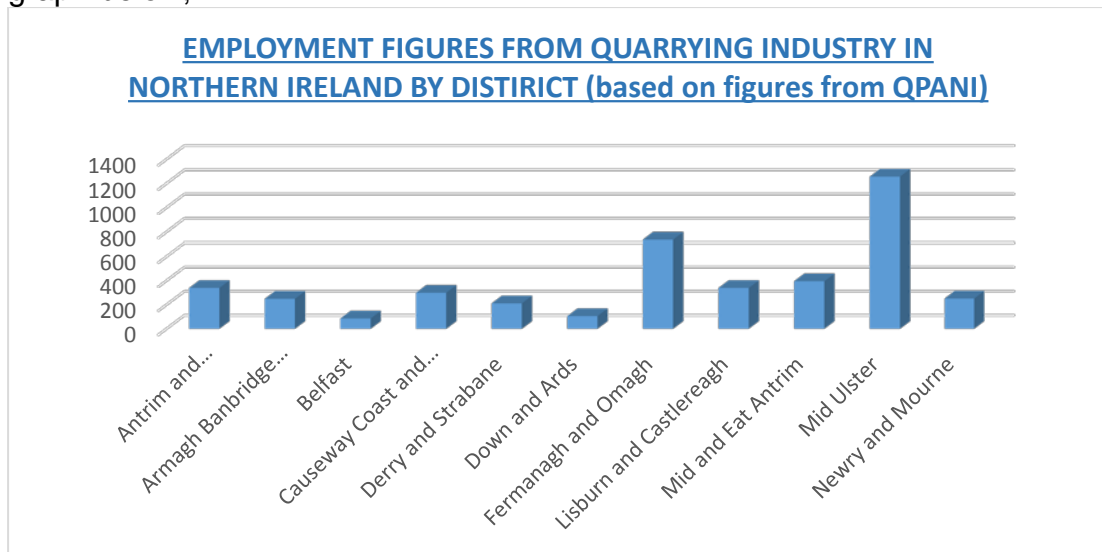
Development which would sterilize or prejudice mineral extraction within a Mineral Policy Area shall not accord with the Plan.

- 6.2** With specific reference to Policy MIN 3, it is proposed to undertake consultation with DETI/Geological Survey Northern Ireland (GSNI) to ascertain the following;
- i. The amount of resources remaining in the three existing mineral policy areas in the District (designated in the current Area Plans), namely those at Derry on the outskirts of Coalisland, Derraghadoan near Dungannon, and Ballyreagh, near Cookstown.
 - ii. Whether there are any additional areas of minerals which should potentially be protected in the form of a Mineral Policy Area zoning in the new LDP.

Depending on the answer to these questions, Policy MIN 3 may or may not be necessary as part of the new LDP.

7.0 Conclusions and Recommendations

- 7.1** It has been found that by and large, the existing minerals policies contained within the PSRNI are in conformity with the objectives of the SPPS, the SA and the LDP growth strategy. Under the existing policy, Mid Ulster’s minerals industry has flourished and employs more people than is the case in any other district. This was discussed in the Minerals position paper and is shown in the graph below;



- 7.2** It is felt however, that planning policy can be simplified from what is in the PSRNI. Whilst the majority of the policy provisions within the PSRNI are mirrored in the SPPS and will therefore read across to our new policy, there is

no need for 8 individual policies, each of which cover different aspects of mineral development. Some of these individual policies can be combined to produce a general policy for mineral extraction and there will also be individual policies for development in areas which are zoned as Areas of Constraint on Mineral Development and Mineral Policy Areas.

- 7.3** This three pronged policy approach will require the designation, within the LDP, of Areas of Constraint on Mineral Development and Mineral Policy Areas (depending on the outcome of the DET/GSNI consultation). The inclusion of ACMD's is something which will represent a deviation from the practice of the last three Area Plans published in Northern Ireland. However, it is felt that in order to reflect the policy approach of the SPPS, areas of mineral constraint must be included in the LDP and that if appropriate consultation is carried out, the correct extent of these zonings can be achieved.

8.0 Recommendation

- 8.1** The policy options, including the preferred options, contained within this Paper are subjected to Sustainability Appraisal/Strategic Environmental Assessment, before any final decisions are made on which will go forward for public consultation in the Preferred Options Paper.
- 8.2** As outlined in paragraph 6.2 consultation with DETI/GSNI should be undertaken to ascertain the status of the existing Mineral Policy Areas within the District and the potential for designating new zonings.