



Comhairle Ceantair
Lár Uladh
Mid Ulster
District Council

Local Development Plan

Minerals Development
February 2018

Purpose: To provide members with further information on the topic of mineral development, specifically the approach to mineral development concerning valuable minerals and hydrocarbons and to put forward proposed policy wording in relation to minerals development.

Content: The paper provides:

- (i) Consideration of the approach to the exploration and extraction of high value minerals and the proposed approach of the Plan Strategy in relation to this
- (ii) Draft chapter in the Plan Strategy on mineral development, including draft policy wording.

Recommendation: That members note the information contained within this paper and agree the recommendation in relation to the policy approach for mineral development.

1.0 Introduction

1.1 The purpose of this paper is to update the Planning Committee on our position regarding the policy approach of the forthcoming draft Plan Strategy in relation to minerals development as well as the potential for amendments to be introduced in relation to the proposed Areas of Constraint on Mineral Development (ACMD's). These proposed changes have been borne out of consultation with statutory consultation bodies such as the Department of the Economy. Internal consideration and discussion has also led to changes, particularly when this has taken place in the context of consultation responses received.

2.0 Proposed Changes

2.1 It is recommended to introduce a policy relating to the exploration and extraction of valuable minerals including metalliferous minerals and hydrocarbons. The need for such a policy has clearly been made by the Department of the Economy through informal consultation following the statutory consultation process on the Preferred Options Paper.

2.2 If we were to continue with the approach of not having a policy on valuable minerals, then we would be at odds with regional policy contained within the SPPS. In order to set the provisions of the regional policy aside, we would need to have sufficient evidence of harm being caused to the landscape quality or environmental or heritage concerns as a result of exploitation or exploration of valuable minerals. Exploration for high value minerals has been ongoing for nearly 50 years and to date no evidence has been presented to show the damage which has been caused as a result. In the absence of such evidence,

it may be hard to sustain the deviation from regional policy, which a failure to provide a high value minerals policy would surely represent.

- 2.3 It also recommended that Lough Neagh should not be designated as an ACMD. There had been discussion regarding this following stakeholder engagement. The Lough has historically been used for sand dredging and this activity is currently the subject of a regionally significant planning application which is being handled by the Department of Infrastructure. It is felt that the imposition of an ACMD here would be premature because if the aforementioned application were to be approved, dredging could continue to be carried out rendering the ACMD designation meaningless. We will review the approach to extraction on Lough Neagh in light of the outcome of this regionally significant application. The Special Countryside Area around the Loughshore area will provide adequate onshore protection from the impacts of minerals development.
- 2.4 The physical boundaries of all of the proposed ACMD's are also being reviewed and may be altered from those which were proposed in the POP. It is proposed to carry out a review of the Landscape Assessment on which the ACMD's were based. Whilst we remain of the opinion that it is appropriate to use the NILCA 2000 as the basis for the Landscape Assessment because ultimately, the landscape will not have changed significantly in 18 years, we do recognise that development pressures especially in the form of wind turbines may have had an impact on the landscape. Therefore, the landscape assessment is being reviewed and this will have a bearing on the final makeup of the ACMD's.
- 2.5 In addition, work is also being carried out to map the availability of mineral resources. This is being carried out following methodology developed by the Department for the Economy and will involve us imposing a buffer of 100m from built development and 50m from roads and waterways. For the purposes of this exercise, only mineral reserves outside of this buffer will be counted as being "available" for extraction. If this exercise shows an insufficient area of available resources outside of the proposed ACMD's then the ACMD designations might have to be revised to reflect this.

3.0 Proposed Position

- 3.1 It is proposed that the strategy will include a policy on valuable minerals including high value metalliferous minerals and hydrocarbons. This policy will state that there will not be a presumption against their exploitation in any area, providing they are not harmful to the environment or to human health. Other mineral development such as sand and gravel and hard rock extraction will be treated as a separate policy and it will state that such development will accord with the Plan and is not located within an ACMD.
- 3.2 There will be no ACMD designation on Lough Neagh and the remaining ADMD's will continue to be reviewed before being brought forward at draft Plan Strategy stage. The policy provisions for Mineral Reserve Policy Areas, peat extraction and restoration are to remain unaltered.

3.3 The proposed chapter on minerals development, including policy wording, for inclusion in the Plan Strategy is attached at Appendix 1.

Appendix 1 - MINERALS

OVERVIEW

Mineral Development represents a key challenge in that we must decide how to facilitate appropriate mineral development whilst also protecting our important landscapes and areas of nature or scientific conservation interest.

Minerals represent a very important resource for Mid Ulster. They provide a valuable source of employment as well generating large amounts of revenue on an annual basis. Mid Ulster possesses more jobs in “mining and quarrying” than any other district in Northern Ireland¹ and it is estimated that in excess of 1250 jobs in Mid Ulster are provided by virtue of the minerals industry, either by direct quarrying activity or associated manufacturing activity. Northern Ireland produces 40% of the worlds quarry products equipment such as screening and crushing equipment and undoubtedly a large majority of this is produced in Mid Ulster through companies like Terex and Sandvik as well as smaller companies which have grown up due to proximity and association with these larger companies.

Whilst it is difficult to place an exact figure on the annual value of minerals which are sold in Mid Ulster, it is believed that this figure may be in excess of £20 million per annum².

The construction industry is also a very important employer in Mid Ulster with the District being nearly twice as reliant on the construction industry for employment as Northern Ireland as a whole.³ Mid Ulster is a major producer of “construction minerals” or aggregates such as sand and gravel and the continued production of this will also be a direct stimulant to construction industry.

Mid Ulster has many areas of high landscape quality, including areas which have been identified as Areas of Outstanding Natural Beauty (AONB). These important landscapes, by their nature tend to be located in remote, rural areas, where mineral deposits are also commonly located. Therefore, the extraction of minerals can often occur in areas where their visual impact has the potential to be greater.

REGIONAL OBJECTIVES

The regional objectives in relation to mineral development are:

- Facilitate development in a sustainable manner through balancing the need for specific mineral development proposals against the need to safeguard the environment

¹ NI EMPLOYMENT CENSUS 2014

² Figures regarding employment and monetary value of the industry are taken from the figures presented by QPANI (based on 2011 mineral statement) as well as from representations made to the Preferred Options Paper by QuarryPlan on behalf of some industry members.

³ Based on figures for census of employment, September 2014, NISRA

- Minimise the impact of mineral development on local communities, landscape quality, built or natural heritage and the water environment.
- Secure the sustainable and safe restoration, including the appropriate re use of mineral sites, at the earliest opportunity.

Regional policy also states that it is the role of the Council to ensure that;

- Ensure that sufficient supplies of local construction aggregates can be made available within the local area, over the Plan period.
- Safeguard mineral resources which are conservation or economic value and seek to ensure that workable mineral resources are not sterilised by surface development which might hinder their future exploitation
- Identify areas which should be protected from mineral development because of their intrinsic landscape, amenity, scientific or heritage value.

LINK TO COMMUNITY PLAN AND STRATEGIC PLANNING GUIDELINES

COMMUNITY PLAN THEME AND OUTCOME	ROLE OF THE PLAN STRATEGY
<p>Economic Growth;</p> <ul style="list-style-type: none"> a) We prosper in a strong and more competitive economy b) We have more people working in a diverse economy. 	<p>By enabling minerals development to take place in a sustainable fashion, the Strategy will help sustain an industry which creates significant employment, both directly and indirectly in the District.</p> <p>The minerals industry can sustain jobs across a range of sectors such as the mining, manufacturing, construction and civil engineering.</p>
<p>Infrastructure;</p> <ul style="list-style-type: none"> a) We are better connected through appropriate infrastructure b) we will enjoy increased access to affordable quality housing 	<p>The minerals industry can supply important minerals and aggregates which are vital in construction industry.</p> <p>A steady local supply of minerals will help to facilitate the building of new housing, schools and hospitals as well as new roads and road improvement projects. Having a viable local mineral industry will enable these projects to be delivered quicker and cheaper than if minerals need to be sought from outside the District.</p>

Minerals development policy will impact directly upon the following strategic planning guidelines which represent the overarching aims of the Plan Strategy

STRATEGIC PLANNING GUIDELINES	ROLE OF THE STRATEGY REGARDING MINERALS DEVELOPMENT
<p>SPG 6 – Accommodate development within the countryside that supports the vitality and viability of rural communities without compromising the landscape or environmental quality and whilst safeguarding our natural and built heritage.</p>	<p>Minerals policy will seek to enable the exploitation of mineral reserves, predominantly in the rural area. This will provide employment and thus help to maintain a vibrant rural economy.</p> <p>Criteria in the mineral planning policy will help to protect the visual amenity landscape as well as offering protection to biodiversity and protected species.</p> <p>The strategic approach to minerals development will seek to significantly limit mineral development in areas of intrinsic landscape importance.</p>
<p>SPG 8 – Encourage improvements to public and private transportation provision including railway lines and upgrading of the road network</p> <p>SPG 9 – Facilitate improvements to the A29 which acts as the transportation spine and link between Mid Ulster’s hubs and other trunk roads crossing the district.</p>	<p>The minerals industry is a vital supplier of the civil engineering sector and any new road building projects or road improvement schemes will require a local supply of aggregates or construction minerals. If we consider that 10 tonnes of aggregates are needed to build 1km of a 6m wide road, then the importance of having a local industry which supplies a steady source of these aggregates becomes evident.</p> <p>By ensuring that there is an adequate supply of such aggregates being produced in Mid Ulster, we will be facilitating these developments to be completed at a lower cost than would be the case if minerals needed to be brought in from further afield.</p>
<p>SPG 10 – Facilitate the protection of vulnerable landscapes and conservation interests, from inappropriate and over dominant development.....</p>	<p>The strategic approach to minerals development will seek to significantly limit mineral development in areas of intrinsic landscape importance which are specifically vulnerable to inappropriate development.</p>

STRATEGIC APPROACH

The Strategy will identify areas where there will be a presumption against mineral exploitation; known as Areas of Constraint on Mineral Development (ACMD). These areas are designated based upon their intrinsic landscape, amenity, scientific or heritage value. Within these areas, mineral development will not be permitted except in a small range of circumstances and with certain caveats, including where development will be limited to a short term or extraction.

In addition, the Strategy will also designate areas where minerals deposits are to be protected; known as Mineral Reserve Policy Areas (MAPRA's). The minerals within these areas will be of economic importance and may well be linked to an ongoing industrial operation. Within these areas, surface development will not be permitted because this would prejudice the future extraction of the mineral deposits which are located underground.

The Strategy will adopt a policy on valuable minerals such as metalliferous minerals and hydrocarbons. The policy will facilitate, but also adopt a precautionary approach to the exploration and extraction of valuable minerals.

MINERAL DEVELOPMENT POLICY WORDING

MIN 1 – MINERAL RESERVE POLICY AREAS

Within a Mineral Reserve Policy Area, development consisting of the extraction of minerals will accord with the Plan. Surface development which would prejudice the future extraction of minerals, within a Mineral Reserve Policy Area, shall not accord with the Plan.

Justification and Amplification

Mineral Reserve Policy Areas are designated because they contain important deposits of local minerals which have important economic benefits; there are three such designations in Mid Ulster.

The largest designation is located to the southwest of Cookstown at Ballyreagh and is designated to protect limestone deposits which support an ongoing business in very close proximity. A further designation on the western edge of Coalisland is designated to protect the clay beds which were traditionally exploited for the manufacture of clay bricks, a practice which has not been carried out since 2009 due to the economic downturn. However, there are active resources available within the designation and it is felt that these resources should be protected for future use, if required. The designation on the north west edge of Dungannon has been designated to protect shale and clay deposits which are used by an existing business in Cookstown.

Within these designations, surface development which would prejudice the exploitation of the resource which has been targeted for protection will not be permitted. Having said this, the policy will not prevent development proposals which are not likely to prejudice the future exploitation of the mineral deposit in question. For example, operational development which is proposed to be located in an existing cluster of development may be considered acceptable because the erection of a further building or structure in that area will not lessen the potential for exploitation because there are already buildings or structures or there which have prejudiced extraction. Consideration will always be given to the extent to which the surface has been developed and to what degree this has already prejudiced future exploitation.

POLICY MIN 2 - EXTRACTION AND PROCESSING OF HARD ROCK AND AGGREGATES

In Areas of Constraint on Mineral development the extraction and processing of hard rock and aggregates will conflict with the Plan except for minor expansion of an existing mineral working or where it provides important benefits, such as the provision of stone for the restoration and maintenance of vernacular and other buildings of conservation interest.

Elsewhere, extraction and processing of hard rock and aggregates will conform with the Plan, subject to environmental and transportation considerations. Particular attention will be given to significant to potential impact on human health and public safety, caused by dust, noise, blasts and vibrations resulting from activity on the site and vehicles travelling to and from the site.

Justification and Amplification

Areas of Constraint on Minerals Development have been defined in line with regional policy to protect areas of intrinsic landscape amenity, scientific, heritage value. These comprise of Beaghmore and the High Sperrin's which are rich in terms of archaeology and represent the wilder, unspoilt and most scenically valuable parts of this Area of Outstanding Natural Beauty. It also includes the Clogher Valley and its escarpment because of its scenic value, and has been extended to include Slieve Beagh, which is also internationally important as a natural habitat.

New large scale commercial extraction in these areas would have a profound and irreparable impact on the heritage and scenic qualities of the landscape and therefore it is unacceptable. Within these areas of constraint, there are a few existing working quarries and it is not the intention of the Plan to prevent their operation, however it must be recognised that even minor expansion needs to be carefully assessed. Elsewhere there are also pockets of local stone, needed for the repair of vernacular buildings in the Sperrins and the Clogher Valley. Any proposals for extraction in these areas need to have minimal surface impact and need to be carefully assessed in relation to the size, scale and duration of the extraction.

The Special Countryside Area around the shores Lough Neagh introduces a tight constraint on all development including mineral extraction in recognition of its landscape qualities and the international importance of this wet land. Whilst the shores are protected from extraction the plan has not introduced an area of constraint on the Lough, which has historically been used for sand dredging. This activity is subject to a regionally significant application being dealt with by Department of Infrastructure. Mid Ulster council will review the approach to extraction in light of the outcome of that application.

Elsewhere within Mid Ulster there will remain a presumption in favour of hard rock and aggregates extraction and processing in recognition of the importance of this activity to the local economy and its importance in providing materials for construction regionally. All Proposals will be assessed in accordance with Policy

GEN 1 General Principals and other Plan policies. In particular, the onus will be on the developer to demonstrate that the 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;
- b) Result undue harm or loss to protected species nor will it contribute to significant biodiversity loss;
- c) Cause significant risk to public safety or amenity caused by dust, noise, blasting or the use of chemical and/ or biological agents;
- d) 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) Significantly impair the safety and amenity of road users along the roads where extracted materials will be transported, by virtue of the unacceptable volume of traffic or by vibration, dust or noise associated with the proposed development;
- f) Cause undue obtrusion in the landscape, particularly by breaking the skyline or failing to utilise natural landscape features to aid integration or as a result of poor siting of plant machinery, waste material or the stockpiling of equipment.
- g) Scar the landscape for future generation and that adequate restoration proposals are provided in line with MIN 5.

MIN 3 – VALUABLE MINERALS AND HYDROCARBONS

The exploration and extraction of valuable minerals including hydrocarbons and metalliferous minerals will accord with the Plan providing that there are no significant environmental impacts or significant risks to human health. Unconventional extraction methods such as hydraulic fracturing (“fracking”) and those which use, or are based upon, chemical and/or biological methods shall not accord with the Plan unless there is sufficient and robust evidence on all environmental impacts.

Justification and Amplification

There may be situations where minerals are discovered which are particularly valuable and the exploitation of which, would bring about economic benefits. There is evidence which suggests the existence of high value metalliferous minerals, such as gold, in our District and for this reason, it is considered best practice to have a policy on such development.

Where such high value metalliferous minerals are found, there will not be a presumption against their exploitation in any area. However, where they are proposed in a designated area such as an Area of Outstanding Natural Beauty for

example, then due weight must be given to that designation and to the rationale behind it being imposed. The rationale for imposing such a designation must not be undermined by the proposal of extraction.

Some extraction methods used in the extraction of high value metalliferous minerals can involve the use of chemicals, such as cyanide, in order to separate the metalliferous deposits from the rock in which they are found. Therefore, it must be proven that such processes, if they occur, will not have any negative impact on human health, in order for that proposal to be considered as acceptable. Exploration for such high value metalliferous minerals can usually be carried out under the current permitted development rights however, where planning permission is required, full consideration will be given to the potential environmental impacts and any risks posed to safety or human health.

In relation to hydrocarbon extraction, there are some controversial, unconventional extraction methods such as hydraulic fracturing (“fracking”) which often concern among local residents and even among the wider population when they are put forward as proposals. At present, it is considered that there is not enough definitive evidence on the matter, with both sides of the argument making cases in support of their relative point of view. Therefore, in relation to unconventional hydrocarbon extraction, proposals for such development will be contrary to the Plan, unless it can be definitively proven that there will be no negative impacts on human health or human safety.

In all cases of mineral extraction, there will be requirement to comply with the general planning principles laid out in policy GP1.

MIN 4 – PEAT EXTRACTION

Applications for commercial extraction of peat will not accord with the Plan. Exceptions may be made where the peat land has suffered degradation as a result of human activity or where the conservation value is low and restoration is not possible. An exception may also be considered where it can be demonstrated that peat extraction is linked to a management and restoration plan which will deliver improved peatlands over the longer term.

Justification and Amplification

Around 4% of Mid Ulster is covered in peatland (Corine Database, 2012). The District’s peatlands consist of both raised bog and blanket bog. The main area of raised bog is located at the Black Bog, near the border with the Fermanagh and Omagh District. Examples of important blanket bog are found in the Sperrins, Lough Beg and Slieve Beagh. There are also other pockets of peatland dispersed throughout the District.

Peat bogs are recognised as valuable habitats for wildlife as well as important carbon sinks which can mitigate against the effects of climate change by keeping carbon safely stored away from the “greenhouse –active” atmospheric carbon pool.

Commercial peat extraction is considered to consist of extraction which takes place specifically for profit, usually to provide peat for supply to a certain industry, normally the horticultural or energy industries. Commercial extraction methods such as milling, remove peat at a rate which substantially exceeds the original rate of deposition and accumulation and therefore cause significant damage to the peat land from which they are extracted. These modern commercial extraction methods offer less potential for restoration or peatland biodiversity than traditional hand cutting methods.

Therefore commercial extraction will only be permitted from bogs which are no longer deemed active and which have little to no conservation / scientific interests. In order to enable such a decision to be taken, advice on the status of individual bogs will be taken from the relevant statutory authority.

Where it is proposed to remove peat as part of a management plan for the conservation and restoration of peatlands, the developer will need to demonstrate that the proposed management structures and finance are in place. In such cases, a planning agreement between relevant parties may be required.

MIN 5 – RESTORATION OF MINERAL SITES

All applications for mineral development must include, where appropriate, satisfactory and sustainable restoration proposals. Restoration proposals should take account of the specific characteristics of the site and its locality and restore and/or enhance the landscape character of the area. Any opportunities for enhancing biodiversity, community recreation and access should be considered.

The site restoration scheme must include a programme of works and a timetable whereby the restoration scheme will be implemented in a phased approach if necessary. Once mineral working has ceased, the land should be reinstated at the earliest opportunity to a suitable standard. Submitted phasing and restoration proposals should provide for the use in progressive on-site restoration of minerals unsuitable for the market to avoid the need for stockpiling.

Justification and Amplification

This policy will apply to all proposals for mineral development.

Mineral Development can have a major impact on the visual amenity of the landscape, particularly in remoter, rural areas. For this reason, the restoration of the site to a satisfactory state is a vital part in the mineral exploitation process.

The best restoration proposals do not always involve a site being simply restored to its former use. In recent years there have been some successful progressive restoration proposals which have witnessed sites being used for a completely different purpose post exploitation than was the case pre exploitation.

The preferred types of restoration and after use depend on the characteristics of the deposits, nature of excavation, availability of fill materials, the surrounding

landscape, and the needs of the local community as well as the potential for nature conservation on the site.

HOW WE WILL MONITOR SUCCESS

Success will be monitored by a series of indicators which can be assessed as part of the monitoring process following the adoption of the Strategy. The indicators and the link to the relevant objectives are laid out in the table below;

OBJECTIVES	INDICATOR / MEASURE OF SUCCESS.
<ul style="list-style-type: none"> ➤ Facilitate sustainable development of minerals..... ➤ Ensure that sufficient supplies of local construction aggregates can be made available 	<p>Monitor the availability of minerals relative to the demand to ensure that enough minerals are available to satisfy industry needs. This can be achieved via questionnaires to the industry.</p>
<ul style="list-style-type: none"> ➤ Minimise the impact of mineral development on local communities, landscape quality, built or natural heritage and the water environment. ➤ Identify areas which should be protected from mineral development because of their intrinsic landscape, amenity, scientific or heritage value 	<p>Maintain a spatial record of any approvals granted within ACMD's and carry out regular assessments of areas which have been designated for protection from mineral development.</p>
<ul style="list-style-type: none"> ➤ Safeguard mineral resources which are conservation or economic value and seek to ensure that workable mineral resources are not sterilised by surface development which might hinder their future exploitation 	<p>Continue to liaise with GSNI on the need to protect mineral resources in Mid Ulster</p>
<ul style="list-style-type: none"> ➤ Secure the sustainable and safe restoration, including the appropriate re use of mineral sites, at the earliest opportunity. 	<p>Following the introduction of ROMPS, a survey of quarries will take place to establish quarries which are active or dormant. This information can then be utilised to establish if restoration has been carried out.</p>