

JohnPaul Devlin

From: Josh Scott [REDACTED]
Sent: 09 August 2019 14:40
To: DevelopmentPlan@midulstercouncil.org
Subject: Counter Representations FOE
Attachments: MUDC CR Form 29.pdf; MUDC CR Form 83.pdf; MUDC CR Form 82.pdf; MUDC MPANI CR.pdf; MUDC Dalradian CR.pdf; MUDC QuarryPlan CR.pdf

Dear MUDC,

Please find attached three different counter-representations submitted on behalf of Friends of the Earth NI. These counter-representations were written in response to MUDPS 29, 82 & 83.

Many thanks,
FOENI

**Mid Ulster District Council Local Development Plan 2030 - Draft Plan Strategy
Submission of a Counter Representation**



Comhairle Ceantair
Lár Uladh
Mid Ulster
District Council

**Local Development Plan
Counter Representation Form
Draft Plan Strategy**

Ref:
Date Received:
(For official use only)

Name of the Development Plan Document
(DPD) to which this Counter representation relates

Draft Plan Strategy

Counter Representations must be submitted by 5pm on Friday 9 August 2019 to:

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

Or by email to developmentplan@midulstercouncil.org

Please complete separate form for each counter 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 | 7 Donegal Street Place, Belfast | |
| Line 2 | | |
| Line 3 | | |
| Line 4 | | |
| Post Code | BT1 2FN | |
| Telephone Number | [REDACTED] | |
| E-mail Address | [REDACTED] | |

SECTION B

3(a). Have you submitted a representation to the Council regarding this development plan document?

Yes No

3(b). If yes, please provide Reference No. and summary of issue raised in you representation.

MUDPS/120 - Issues raised relating to supportive nature of draft Plan Policies of Minerals Development.

Counter Representation

Any person may make a counter representation in relation to a representation seeking a change to a DPD. The purpose of a counter representation is to provide an opportunity to respond to proposed changes to the DPD a result of representations submitted under Regulation 15 and 16 of the Planning (Local Development Plan) Regulations (Northern Ireland) 2015.

A counter representation must not propose any further changes to a DPD.

4. Please provide the reference number of the representation to which your counter representation relates to.

MUDPS/82

5. Please give reasons for your counter representation having particular regard to the soundness test identified in the above representation.

Please note your counter 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 any further submissions based on your original counter 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.

Please see attached document.

(If not submitting online form and additional space is required, please continue on a separate sheet)

Signature

[Redacted Signature]

Date

09.08.2019

Mid Ulster Counter-Representation

QuarryPlan – (MUDPS/82)

Friends of the Earth NI submits this counter-representation in which it rejects the Draft Plan strategy Representation of Quarryplan (written on behalf of their clients) (MUDPS82 - Quarryplan). FOENI rejects Quarryplan's amendment of Draft Policy MIN1 – Mineral Reserve Policy Areas and objection of ACMDs within Draft Policy MIN2 – Extraction and Processing of Hard Rock and Aggregates.

Within Point 6.2, relevant to MIN1, although Quarryplan are in favour of the principle of MRPA's, they continue to contest the Council's strategy and 'question the number, extent and importance of MRPA's to the MUDC of the designations proposed.' Quarryplan argue that because the minerals industry is so valuable to the MUDC, mineral reserves should be afforded more protection than that originally suggested within the plan as its value outweighs the current designations. Quarryplan continue to argue that the plan is inadequate as existing mineral reserves should also be afforded further protection to ensure mineral reserve areas are not spoiled by other forms of development.

FOENI reject this argument and would instead strongly argue that this Draft Policy is already too permissive of minerals development and supportive of the industry despite an urgent need to transition away from these destructive types of development. This draft policy cannot afford to be any more supportive of the minerals industry than it already is and more MRPA's should absolutely not be designated, nor should existing mineral reserve areas be afforded more protection as Quarryplan suggest.

As mentioned in our representation (MUDPS 120), the minerals industry is one of the most destructive forms of development globally and there is an imperative to find more sustainable alternatives. Yet, should Quarryplan's argument of DP MIN1 be considered, this draft policy would be entirely contrary to this need to move away from destructive development and would further MUDCs dependence on the minerals industry and constrict the council area to environmental devastation. This cannot be allowed to happen and should Quarryplan's argument be considered, the Council could be found guilty of endangering the general health and well-being of the people and restricting the sustainable evolution of the towns. This is entirely contrary to the dPS aims and objectives which seek to improve health & well-being and promote sustainable development.

Quarryplan continue to note how the extraction of minerals from Lough Neagh should also be highlighted as significantly important within DP MIN1. They claim these minerals are of significant economic value both locally and regionally and should be highlighted as such within the policy. They then argue that an extraction and dredging site on Lough Neagh should also be afforded extra protection similar to what they suggest should be afforded to MRPA's within the council area.

FOENI strongly reject this argument and believe that all extraction and dredging on Lough Neagh should be entirely prohibited because of the extent of environmental devastation that it causes to the wildlife of the lough and the natural ecosystem of the lough itself.

Quarryplan are essentially arguing that because of the economic value of the minerals they extract, the environmental damage caused by their work is null and void; that economic value and gain is seemingly the only consideration that should take place when considering minerals development despite it being one of the most destructive industries globally.

MUDC has a responsibility to protect the wildlife and the ecosystem of Lough Neagh and afford the Lough with all the environmental protection it can. Consideration of Quarryplan's argument would do the opposite and would further destroy Lough Neagh beyond the damage that has already been caused. Over the past 30 years wildlife populations have considerably declined and water quality is at breaking point as up to 2 million tonnes of sand is unlawfully sucked up from the bed of the lough every year. We should be rebuilding and protecting this important wetland, not handing it over to unlawful extractive industries to damage forever; however, consideration of Quarryplan's argument would do just that and leave the Lough subject to environmental devastation. We would highlight again how this is contrary to the dPS overall aims & objectives of promoting sustainable development and enhancing the environment.

Therefore, Quarryplan's argument relating to draft policy MIN1 should be entirely disregarded because they are neither sound nor consistent with the overall aims and objectives of the plan. They argue that the council should be in favour of minerals development because of its economic contribution and that not enough is being done to ensure maximum scope for profit within the industry. Yet this argument is invalid, and should it be considered the environmental damage caused by these industrial practices would be of a greater cost to the council area than a gain economically for these industries.

Within Point 6.3, relevant to MIN2, Quarryplan argue against the designation of ACMDs. They mention how ACMDs show a negative judgment toward minerals operations and how this reflects poorly on the industry and the council as they provide so much economically and yet are viewed as unwanted. They argue further how the council's 'precautionary approach' shows further negativity toward the industry. As a result of this interpretation, Quarryplan is labelling MIN2 as having an 'unreasonable precautionary standard'. They argue this policy is driven by consultation responses rather than being directed by clear and concise policy. They claim this is evidence of incompetent planning.

FOENI reject this argument regarding ACMDs. Quarryplan's interpretation of policy should not shape decisions and regardless of their interpretation, FOENI would argue that ACMDs are entirely necessary; not for the sake of making minerals operators feel unwanted, but for the sake of environmental protection. These designations are necessary to protect available land from this destructive industry and the standards set within the policy are not unreasonable. Essentially, legislation that protects the environment should not be viewed as unreasonable, but as necessary.

Furthermore, Quarryplan are entirely disregarding the consultation response process and blatantly ignoring the views and opinions of the people and communities within MUDC and are viewing them as an obstacle in the way of their economic gain rather than actual people; this is derogatory and unnecessary. This showcases perfectly the complete lack of

respect these industries have for people and place and shows how they would do anything for economic gain despite the damage caused. This is not only contradictory to the aims and objectives of the council's plans, but contradictory to planning in NI as a whole as the main objective of planning is to improve the peoples' quality of life and the places they call home. Although this is a seemingly fleeting and passing comment made by Quarryplan it cannot be ignored and again showcases perfectly the horrible and disgusting attitude that minerals operators have toward people and place.

Quarryplan continue in point 6.3.1 to argue that ACMDs are therefore not designated on sound evidence and should be reviewed as they disagree with the designation. They claim that the extent of the ACMDs partnered with current physical infrastructure will reduce available land by 60% and argue that this is far too severe for them to operate within and would stifle the minerals economy. As a result, Quarryplan are calling for an impact report of the designations on the mineral industry to prove how these designations would cause too much harm through unnecessary restrictions.

FOENI strongly reject this argument and again argue that ACMDs are entirely necessary in protecting available land from environmental devastation that minerals operations bring. Should Quarryplan's argument be considered, no land would be exempt from minerals development and if this was the case, the Council itself could be guilty of condemning residents of the area to live under the threat of their land being sterilised by minerals developments which could be approved over other land uses such as farming, tourism, housing or nature conservation.

Furthermore, the council itself has already provided evidence to back up why these ACMD designations are reasonable. The council proves with these restrictions in place that supply would continue to meet demand and therefore there is no issue with the designations. However, Quarryplan claim this is flawed and feel the council is undervaluing the minerals industry. They claim the council's evidence is 'interpreted and reported incorrectly'. However, the council's evidence is clear and justified and displayed as such. Quarryplan have no grounds on which to argue the report is incorrect and therefore the argument should be entirely disregarded.

Finally, the council is under no obligation to provide an impact report of the designations on the minerals industry. Quarryplan are quick to count the cost of these restrictions on their profits, and yet conveniently have no regard for the cost of damage the minerals industry has on the environment and the people near the operations; in this case Cookstown, Magherafelt & Coalisland. Perhaps an environmental impact assessment of the minerals industry in MUDC is more appropriate at this stage.

In conclusion, FOENI strongly argue that the arguments and amendments provided by Quarryplan with regards to MIN1 & MIN2 should be entirely disregarded. Should they be considered, the council would constrict itself to the environmental damage that comes with an over-reliance on the minerals industry and therefore entirely contradict their dPS aims & objectives. Furthermore, FOENI would again highlight that it is entirely necessary to transition away from dependence on these destructive industries and look to invest in new

sustainable development. Environmental damage can no longer be disregarded for economic gain at such a crucial time and disregarding Quarryplan's argument would be a step in the right direction.