

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

2. Agent Details (if applicable)

Title

Ms.

First Name

LyndaLynda

Last Name

Sullivan

Job Title
(where relevant)

Community Campaigns

Organisation
(where relevant)

Friend of the Earth NI

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Line 3		
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Telephone Number		
E-mail Address		

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/29

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 via online form and additional space is required, please continue on a separate sheet)

Signature

[Redacted Signature]

Date

09.08.2019

Mid Ulster Counter-Representation

MPANI – (MUDPS/29)

Friends of the Earth NI submits this counter-representation in which it rejects the Draft Plan strategy Representation of MPANI (MUDPS29 - MPANI). FOENI rejects MPANI's suggested amendments relating to ACMDs, the amendment of Draft Policy MIN1 – Mineral Reserve Policy Areas and objection of Draft Policy MIN2 – Extraction and Processing of Hard Rock and Aggregates.

Within MPANI's Direct Comments on the Minerals Development Section, they recognise the paper published on the background of how Areas of Constraint on Minerals Development have been designated. Yet, despite recognising the paper, MPANI claim the designation of most of the Sperrins' AONB as an ACMD is inconsistent and has been designated without rationale for doing so. They also believe their POP consultation has been ignored and as a result the economic and social importance of the mineral and aggregate value in the ground has not been considered in these designations.

FOENI reject this argument regarding the consistency of the ACMDs designations. The Council has published a paper on the background of how ACMDs have been designated and therefore show, with full transparency, how these designations are both consistent and sound. MPANI recognise this paper themselves and therefore cannot claim these ACMDs have been designated without rationale when the Council has produced the necessary data to justify themselves. Further, while all POP consultations must be considered fairly as part of the LDP process, the Council is under no obligation to consider mineral and aggregate value in the ground when designating ACMDs. The fact that most of the Sperrins' AONB has been afforded ACMD protection should be considered standard policy as in fact any AONB should be afforded all legislative protection from this destructive form of development regardless of the value of minerals beneath.

MPANI continue to argue that these ACMD designations are inconsistent with the plan as they have not considered the value of the sand and gravel reserves that lie within the AONB. They argue that these reserves must be valued more because of their importance to the Council area and therefore need to be safeguarded. They argue that to safeguard these reserves the Council should implement a series of conditions that would allow the extraction of sand and gravel reserves even within the AONB. They argue this would minimise the effect on the landscape of minerals development.

FOENI strongly reject this argument and believe the environmental protection of the AONB should be valued more than the minerals lying within. Further, we believe the Council's plan is already overly 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 should MPANI's argument of having conditions within AONBs be considered, no land would be exempt from minerals development. If this was the case, it would condemn 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.

MPANI argue further that the Council has also ignored PAC recommendations on ACMDs and therefore have not carried out a 'full and proper' assessment of the appropriateness of these ACMDs meaning the draft Policy is unsound and inconsistent. MPANI argue that because of these restrictions the economic and social needs within MUDC will not be met beyond the plan as both money and jobs will be lost within the minerals development sector.

FOENI reject this argument and again reiterate that the designations of the ACMDs are both sound and consistent and have been justified through a published paper. These designations are also entirely necessary and the AONB must be afforded as much legislative protection as possible. 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 protect our land from this development and find more sustainable alternatives. Yet, should MPANI's conditions be considered, this draft policy would be entirely contrary to this need to move away from destructive development and would constrict the council area to environmental devastation.

Therefore, MPANI's argument relevant to ACMDs should be disregarded as they have no grounds on which to base their argument. The ACMD designations are sound and consistent as the Council has shown through the published paper and the Council should continue to protect the AONB from minerals development regardless of the value of the minerals lying within.

MPANI continue to refer to page 142 – Policy MIN 1 – Mineral Reserve Policy Areas. MPANI welcome the Council's inclusion of MRPA's and how these policy areas help protect valuable minerals and help the minerals development sector as a whole. However, MPANI argue again that sand and gravel deposits have not been recognised as important or valuable as they should. They continue to list a number of facts and figures showing the economic value of these minerals and how they therefore should be further safeguarded.

FOENI reject this argument and would instead strongly argue again 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 regardless of the value of the minerals in the ground. We would again highlight that if this was the case, it would condemn 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.

MPANI also refer to page 143 – Policy MIN 2 – Extraction and Processing of Hard Rock and Aggregates. MPANI are strongly opposed to this policy and do not believe that the extractive processes of minerals development create the environmental and health issues that have been suggested by the Council. MPANI question whether there is evidence of

these issues occurring and argue that even if it was happening, it would be the Council's responsibility to stop the operations and not the responsibility of the developer to prevent these issues from occurring. MPANI argue that this policy reflects unfairly on the extractive industry and is therefore inconsistent and unsound.

FOENI reject this argument and argue that the extractive industries do very clearly create these environmental and health issues. As highlighted in our representation, the minerals industry is one of the most environmentally damaging industries globally and does in fact generate negative impacts on the environment and public health through dust, noise, blasts and vibrations as the dPS highlights. For MPANI to suggest that these occurrences are of the fault of the Council is also particularly problematic and minerals developers should be held responsible for how their actions affect the environment and the general health of the communities in surrounding areas. These developers cannot be allowed to pass the blame to the Council and therefore this argument should be disregarded as it is entirely invalid.

Finally, MPANI also highlight their concern over Lough Neagh policy and how these restrictive measures on minerals development would cause further issues in extracting and dredging sand and gravel. They believe these restrictions should not be implemented because of the value of sand and gravel and essentially argue that their economic value should exempt them from restrictions.

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. We would again highlight how the value of minerals should not be favoured over the value of the environment; especially in this case considering how much damage has been caused to the Lough already. MPANI's argument should therefore be entirely disregarded.

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 MPANI's argument would do the opposite and would further damage Lough Neagh beyond the what 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 extracted 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 MPANI's argument would do just that and leave the Lough subject to environmental devastation. We would highlight how this is contrary to the dPS overall aims & objectives of promoting sustainable development and enhancing the environment.

In conclusion, FOENI strongly argue that the arguments and amendments provided by MPANI with regards to ACMDs and draft Policies 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 permitted for economic gain at such a crucial time and disregarding MPANI's argument would be a step in the right direction.