

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	
Line 2	Place, Belfast	
Line 3		
Line 4		
Post Code	BT1 2FN	
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/83

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

Turley – (MUDPS/83)

Friends of the Earth NI submits this counter-representation in which it rejects the Draft Plan strategy Representation of Turley (written on behalf of Dalradian Gold Ltd.) (MUDPS/83 – Turley). FOENI rejects Dalradian's objection and recommendations of Draft Policy MIN1 – Mineral Reserve Policy Areas and objection and recommendations of Draft Policy MIN2 – Extraction and Processing of Hard Rock and Aggregates.

Regarding dPS MIN1 - Mineral Reserve Policy Areas

Dalradian welcomes the implementation of MRPA's however questions why they only relate to existing mineral development operations; mainly limestone and clay. It argues that the council should safeguard all minerals of economic value and not have land with mineral deposits sterilised by surface development. It believes that other minerals are not being safeguarded as a result, such as gold, which it believes should have relevant policy as the POP stated; mainly MRPA designation. As the Policy does not safeguard all minerals from surface development, Dalradian argues that the Policy is therefore unsound and inconsistent with the plan.

FOENI rejects this argument and would instead argue that the Council's 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 to safeguard all available minerals deposits as Dalradian suggests. The result could find the Council guilty of condemning residents of the area to live under the threat of their land being sterilised by minerals developments and would prevent other land uses such as farming, tourism, housing or nature conservation.

Dalradian also welcomes how surface development prejudicing minerals extraction will not conform to the plan; however, it argues that this policy should not be restricted to MRPA's. Considering the contribution of minerals development to the local economy, Dalradian argues that all minerals should be protected over all the MUDC area and safeguarded from surface development. As this protection will only be afforded within MRPA's, Dalradian therefore claims the Policy is not sound as all minerals should be safeguarded. Dalradian recommends that all minerals reserves should be identified as an MRPA and therefore protected from surface development.

FOENI rejects this argument and strongly rejects the recommendations made to the draft Policy by Dalradian. We would again reiterate the need to move away from this destructive development given the adverse and irreversible effects on our environment. The result would see a large proportion of land within the Council area exposed to the threat of minerals development and 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 and would prevent other land uses such as farming, tourism, housing or nature conservation.

Therefore, Dalradian's arguments regarding draft policy MIN1 should be entirely disregarded because they are neither sound nor consistent with the overall aims and objectives of the plan.

Regarding dPS MIN2 – Extraction and Processing of Hard Rock and Aggregates

Dalradian objects to the Policy as extraction and processing of hard rock and aggregates is restricted within ACMDs, which in this case is designated as most of the Sperrins' AONB. Dalradian believe this is inconsistent with the SPPS and a PAC report within Magherafelt Area Plan 2015. It argues that although not all the AONB as designated as an ACMD, it will be treated as such based on their interpretation and is therefore problematic for minerals development.

FOENI rejects this objection and argues that these restrictions within the ACMDs are entirely necessary. These areas are, as your document states: 'areas of intrinsic landscape amenity, scientific, heritage value', as well as fragile habitats for protected species. Therefore, these restrictions are entirely necessary, and we would further argue that the ACMD should be amplified to include the entirety of the AONB which is the Sperrin Mountains, for environmental protection, but also to remove any ambiguity over what is or is not acceptable, and where within an AONB.

Dalradian also objects to a number of conditions placed on minerals development within dPS MIN2. It firstly objects to the environmental and transportation restrictions that are placed without the ACMDs and feel these are arbitrary. It also argues against the statement that restricts development with profound and irreparable impacts. It argues there is no evidence to suggest that these listed impacts come from minerals development and is another unnecessary restriction on development. It argues these exceptions should be removed for this reason and that the minerals industry should be allowed to extract minerals from the AONB without restriction.

FOENI rejects this argument and would again reiterate how the minerals industry is one of the most destructive forms of development globally and there is an imperative to move away from this destructive industry. However, implementation of 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 expose the council area to environmental devastation. Therefore, we would argue that no exceptions should be made regarding the constraints on extraction within ACMDs again, for environmental protection, but also to remove any ambiguity over policy.

Dalradian continues to argue against another condition that would consider 'short-term' developments as it is not reflective of minerals development. Dalradian points out that longer extractions have previously been permitted and so should be considered; even within ACMDs. Dalradian therefore argues that these conditions are inconsistent and are not sound. Dalradian recommends reconsidering the ACMD designations as they may not be necessary and reconsider the highlighted criteria to make it easier for developers to extract and process minerals.

FOENI strongly objects this argument and is opposed to the recommendations suggested by Dalradian. We would again highlight the environmental and social damage that minerals extraction causes to the surrounding area and stress how no exceptions should be made regarding the constraints on extraction within ACMDs again, for environmental protection, but also to remove any ambiguity over policy.

In conclusion, FOENI strongly argues that the arguments and recommendations provided by Dalradian regarding MIN1 & MIN2 should be entirely disregarded. Should they be considered, the council would expose 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 forms of development. Environmental damage can no longer be disregarded for economic gain at such a crucial time and disregarding Dalradian's argument would be a step in the right direction.