



Derry City & Strabane
District Council

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DERRY CITY & STRABANE DISTRICT COUNCIL

LOCAL DEVELOPMENT PLAN (LDP) 2032



DRAFT PLAN STRATEGY

Evidence Base EVB 13: Minerals, December 2019

Updated December 2021

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DERRY CITY AND STRABANE DISTRICT COUNCIL

LOCAL DEVELOPMENT PLAN (LDP) 2032



EVIDENCE BASE PAPER EVB 19

MINERALS DEVELOPMENT

Updated December 2021

This document is one in a series which comprises the evidence base that informs the preparation of the Derry City and Strabane District Local Development Plan (LDP 2032) Plan Strategy.

It builds upon the suite of thematic Topic Papers prepared and published alongside the LDP Preferred Options Paper (POP), which established the May 2017 baseline position and identified the key issues that need to be addressed by the LDP.

This Minerals Development Evidence Base paper updates the baseline POP position and sets out the evidence base that has informed the strategy, designations and policy within the draft LDP Plan Strategy. Evidence has been informed by feedback from public consultation, discussion with Elected Members, input from statutory consultees, stakeholder groups, from other Departments within the Council, liaison with adjoining Councils and through iterative Sustainability Appraisal process.

The Evidence Base is published as a ‘supporting document’ in accordance with Regulation 15 (a) of the Planning (LDP) Regulations (NI) 2015.

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1.0 Introduction to Paper

Purpose of this document

- 1.1 This paper is one in a series, building up the evidence base that will inform the preparation of the Local Development Plan (LDP). The LDP will have a new approach to protecting our environment and promoting appropriate development in line with the Community Plan, moving away from the reactive planning of the past, towards a more proactive approach.
- 1.2 It builds upon the suite of 19 evidence base papers prepared and published alongside the Preferred Options Paper (POP), which established the baseline position as of May 2017 and identified the key issues that need to be addressed by the LDP. This evidence based paper therefore updates our baseline position and sets out the evidence that has informed the minerals policies within the draft Plan Strategy (dPS). Whilst each of the evidence based papers can be read separately, there are inevitably some important related matters with other topics.
- 1.3 It should be noted that the evidence base collected to inform the LDP also informed the basis of a series of additional assessments and appraisals required as part of the plan preparation process, most notably the Sustainability Appraisal. By combining the evidence gathering stages for both the Sustainability Appraisal and the Local Development Plan, we aim to streamline the documentation produced and avoid duplication. It will also help to ensure that sustainable development is embedded in the planning process and that the Sustainability Appraisal is one of the main drivers informing the preparation of the LDP.
- 1.4 It is the purpose of the planning system to secure the orderly and consistent development of land with the objective of furthering sustainable development and improving well-being. In essence, the statutory framework seeks to ensure that when preparing its Local Development Plan (LDP), the Council will take full account of the implications of mineral development in relation to proposed land use zonings, locations for development, linkages and settlement limits.

2.0 Legislative and Policy Context

Legislative Context

- 2.1 **The Planning Act (Northern Ireland) 2011** describes minerals as; “*substances which are in or under land of a kind ordinarily worked for removal by underground or surface working except that it does not include turf cut for purposes other than sale*”. Therefore, any substance which can be extracted from the ground can be classed as a mineral, other than turf which is extracted for personal use.
- 2.2 The **Planning (Interim Development) Act (Northern Ireland) 1944** granted permitted development rights to quarries, under which they operated without planning permission until 1973 when the Planning (General Development) Order (Northern Ireland) 1973 stated that permitted development rights for quarries would only last for one year, effectively meaning that existing quarries had one year to apply for planning permission.

Minerals Licensing

- 2.3 **The Mineral Development Act (Northern Ireland) 1969** vested most minerals in the former Department of Commerce (which became the Department of Enterprise, Trade and Investment (DETI) and is now the Department for the Economy (DfE)). This enabled the Department to grant prospecting licenses and mining licenses for the exploration and development of minerals. This licensing system is based on the provisions of the 1969 Act and on subsequent subordinate legislation. The provisions relating to prospecting for minerals are quite separate and distinct from those relating to the development of minerals. There is no automatic continuity between exploration and development work. The legislation covers all minerals with three main exceptions (the scheduled substances), these include:
- Gold and Silver belong to the Crown Estate and were not vested in the Department;
 - The few mineral deposits (mainly salt) which were being worked at the time of the 1969 Act were not vested in the Department; and,
 - ‘Common’ substances including crushed rock, sand and gravel and brick clays are excluded.
- 2.4 Mineral Prospecting licenses are issued by DfE, (formerly DETI) under Section 11 of the Mineral Development Act (Northern Ireland) 1969. Companies prospecting for base metals and precious metals under concurrent Licenses for the Department and the Crown Estates Commissioners.
- 2.5 In the period from 2007 to 2022, a total of 16 mineral prospecting Licenses (see Table 1 Appendix 1) were issued by the DfE, as the appropriate licensing authority, located wholly or partly within the boundary of Derry City and Strabane District Council. It should be noted that a number of these licences were re-applications for licences which were in place prior to 2007 and also re-applications for licences which ran the full 6-year term within the 2007-2015

timeframe. There are currently two areas under application (see Table 1a Appendix 1). (2021 Update)

- 2.6 The DfE administer all oil and gas reserves and it licenses oil and gas exploration and extraction. However, before extraction commences, planning permission must be obtained.
- 2.7 Under Article 18(1) of the **Quarries (Northern Ireland) Order 1983**, DfE were also given the responsibility to gather information on all quarries in order to collate an Annual Minerals Statement.

Waste from Extractive Industries

- 2.8 **The Mining Waste Directive 2006/21/EC (MWD)** was adopted by the European Union in March 2006. It introduced measures to prevent or minimise adverse effects on the environment and risks to health from the management of waste from the extractive industries. In order to comply with this directive, the **Planning (Management of Waste from Extractive Industries) Regulations (Northern Ireland) 2010** were introduced. These regulations were intended to ensure that all waste resulting from extractive industries was managed on a way which was compliant with the 2006 directive.

- 2.9 The 2010 regulations were replaced by the **Planning (Management of Waste from Extractive Industries) Regulations (Northern Ireland) 2015** from 1st April 2015. Regulation 4 of this legislation states that planning permission will not be granted unless a Waste Management Plan (WMP) has been submitted and approved by the Council.

Review of Old Mineral Permissions (ROMPS)

- 2.10 In line with GB and the ROI, The Planning Act (Northern Ireland) 2011 enables councils to start a process of an initial review of all mineral permissions granted in Northern Ireland thereby ensuring that their conditions meet modern expectations and current environmental standards.
- 2.11 The Environmental Impact Assessment (EIA) Directive has been in force throughout the EU since 1985. It was implemented in Northern Ireland by the Planning (Assessment of Environmental Effects) Regulations (Northern Ireland) 1989 and later by the Planning (Environmental Impact Assessment) Regulations (Northern Ireland) 1999 (revoked and re-enacted in a 2015 version). These pieces of legislation mean that when assessing applications for mineral development, there is a more stringent level of consideration given to the environmental impacts than was previously the case.
- 2.12 Because of the introduction of the 1989 regulations, along with the formation of a specialised minerals planning unit within Planning Service, it is accepted that planning permissions granted for quarrying development since the early 1990's has adequate environmental conditions attached. Permissions granted during the 70's and 80's, following the implementation of the 1973 Order may not have adequate conditions attached and subsequently will need to be reviewed via the Review of Old Mineral Permissions (ROMPS). For instance, it is accepted

that very few conditions granted in the 1970's have adequate conditions relating to noise impacts attached.

- 2.13 The Planning Act (Northern Ireland) 2011 makes provision for these reviews of old permissions to be undertaken. This legislation allows mineral sites to be classed as *'phase 1 sites'* if they had been granted approval before 31st December 1980 and *'phase 2 sites'* if they have been granted approval after 31st December 1980 but before 31st December 1993. The legislation states that all owners of phase 1 and phase 2 sites must apply to the planning authority to have the conditions to which their permission relates reviewed.
- 2.14 However, the Act requires further legislation in the form of an Order, before ROMPS can be undertaken. The Environment Minister has stated that whilst this legislation is not currently being implemented, no decision has been taken NOT to implement the legislation at some point in the future and has instructed Departmental officials to examine how best to implement ROMPS in the new two tier planning system.
- 2.15 Approximately 371 mineral permissions were granted in NI between the 1960's and the early 1990's, with Derry City and Strabane District having 40 of these which equates to approximately 11% of all the mineral permissions which are to be subjected to ROMPS¹. DFI in their recent review of the Implementation of the Planning Act (NI) 2011 stating that no decision has been taken not to implement ROMPs. The Minister intends to consider options on the way forward during 2022. (2021 Update)

Policy Context

- 2.16 **Regional Development Strategy 2035 (RDS):** The RDS does not provide specific policy for minerals, though one of the eight aims of the RDS is to 'Support our towns, villages and rural communities to maximise their potential'. The RDS recognises the importance of the rural area, including towns and villages, which offers opportunities in terms of their potential growth in new sectors, are attractive places to invest, live and work, and have a role as a reservoir of natural resources and highly valued landscapes.
- 2.17 It is also considered that even though there is no specific policy for minerals RG 11 provides a basis to conserve, protect and where possible, enhance our built and natural environment. RG 11 states that Northern Ireland has a remarkably diverse range of rocks and geomorphological features. While selected sites require protection for their scientific, educational and research value, other topographical and geological features, if sensibly managed, can play and active role in economic development.
- 2.18 Policy RG 11 also provides policy on the following to protect designated areas of countryside from inappropriate development (either directly or indirectly) and continue to assess areas for designation. It states that designating special areas for protection is an effective way of ensuring our wildlife and natural

¹ <https://www.infrastructure-ni.gov.uk/news/review-old-mineral-permissions-minister-mallon-indicates-way-forward>

landscapes retain their individual characteristics. Some areas are deemed of such importance that they are formally designated under various national and international legislation.

- 2.19 **Strategic Planning Policy Statement (SPPS)** was published in September 2015. The recent SPPS is the single most important document in guiding the requirements / content of the LDP.
- 2.20 Minerals, including valuable minerals, are an important natural resource and their responsible exploitation is supported by Government. The minerals industry makes an essential contribution to the economy and to our quality of life, providing primary minerals for construction, such as sand, gravel and crushed rock, and other uses, and is also a valued provider of jobs and employment, particularly in rural areas.
- 2.21 While minerals development delivers significant economic benefits, there are also a number of challenges arising from this form of development which fall to be addressed through the planning system. The effects of specific proposals can have significant adverse impacts on the environment and on the amenity and well-being of people living in proximity to operational sites. This presents a challenge because minerals can only be extracted from sites where they occur, and there may be limited opportunities for consideration of alternative sites. A further challenge is related to the restoration of sites upon completion of work associated with the extraction and processing of materials.
- 2.22 The planning system has a key role to play in facilitating a sustainable approach to minerals development, and ensuring the appropriate restoration of sites after working has ceased. However, as the impact of mineral working on the environment can never be entirely reversed, the broader role and responsibilities of government, the industry, customers and key stakeholders also need to be recognised. For example, the Sustainable Development Strategy advocates the greater use of recycled building rubble in construction so as to reduce the depletion of natural resources and to limit transportation of such materials.
- 2.23 The regional strategic objectives for minerals development are to:
- facilitate sustainable minerals development through balancing the need for specific minerals development proposals against the need to safeguard the environment;
 - minimise the impacts of minerals development on local communities, landscape quality, built and natural heritage, and the water environment; and
 - secure the sustainable and safe restoration, including the appropriate reuse of mineral sites, at the earliest opportunity.
- 2.24 The policy approach for minerals development, including peat extraction from bog lands, must be to balance the need for mineral resources against the need to conserve and protect the environment.
- 2.25 Active peatland is of particular importance to Northern Ireland for its biodiversity, water and carbon storage qualities. Any renewable energy

development on active peatland will not be permitted unless there are imperative reasons of overriding public interest as defined under The Conservation (Natural Habitats, etc.) Regulations (Northern Ireland) 1995² as amended.

- 2.26 In preparing their LDP, councils may also identify areas most suitable for minerals development within the plan area. Such areas will normally include areas of mineral reserves where exploitation is likely to have the least environmental and amenity impacts, as well as offering good accessibility to the strategic transport network.
- 2.27 From time to time, minerals may be discovered which are particularly valuable to the economy. Their exploitation may create environmental effects which are particular to the methods of extraction or treatment of that mineral. There will not be a presumption against their exploitation in any area; however, in considering a proposal where the site is within a statutory policy area, due weight will be given to the reason for the statutory zoning. However, in relation to unconventional hydrocarbon extraction (fracking), there should be a presumption against their exploitation until there is sufficient and robust evidence on all environmental impacts.
- 2.28 Permission for the extraction of peat for sale will only be granted where the proposals are consistent with the protection of boglands valuable to nature conservation interests, and with the protection of landscape quality particularly in AONBs.
- 2.29 Proposals for minerals development must also have particular regard to the safety and amenity of the occupants of developments in close proximity to the mineral workings. Minerals development likely to compromise safety or to significantly impair the amenity of people living or working in proximity to the site will not normally be acceptable. Such adverse impacts could result from noise, vibration and dust arising through excavation, processing or transporting of materials. Where such impacts are judged to be incompatible with standards of amenity acceptable to the planning authority, planning permission should be refused, unless the developer can demonstrate adequate means of mitigation.
- 2.30 Visual intrusion is often the most significant environmental impact associated with mineral workings and where permission is granted, landscape quality should be protected by attaching conditions designed to avoid or mitigate any adverse impacts. Particular regard should be paid to the preservation of skylines and to the proposed location of plant, stockpiles and overburden/waste within the development.
- 2.31 In line with the objective to secure the sustainable restoration, including the appropriate re-use of mineral sites, planning applications should be required to provide adequate details demonstrating the satisfactory restoration of sites subsequent to the completion of operations. Such provisions must be

² <http://www.legislation.gov.uk/nisr/1995/380/made>

underpinned by appropriate conditions attached to any grant of planning permission.

- 2.32 **A Planning Strategy for Rural Northern Ireland (PSRNI) (1993):** The PSRNI recognises that Minerals are an important natural resource and their exploitation makes an essential contribution to the nation's prosperity and quality of life. The mineral extraction industry provides employment often in rural areas and produces a wide range of products for a variety of purposes in construction, agriculture and industry.
- 2.33 The Minerals section of the PSRNI still constitutes the main current regional planning policies, as follows:
- Policy MIN 1: Environmental Protection - to assess the need for the mineral resource against the need to protect and conserve the environment.
 - Policy MIN 2: Visual Implications - to have regard to the visual implications of mineral extraction.
 - Policy MIN 3: Areas of Constraint - to identify Areas of Constraint on Mineral Developments.
 - Policy MIN 4: Valuable Minerals - applications to exploit minerals, limited in occurrence or with some uncommon or valuable property, will be considered on their merits.
 - Policy MIN 5: Mineral Reserves - surface development, which would prejudice future exploitation of valuable mineral reserves will not be permitted.
 - Policy MIN 6: Safety and Amenity - to have particular regard to the safety and amenity of the occupants of developments in close proximity to mineral workings.
 - Policy MIN 7: Traffic - to take account of the safety and convenience of road users and the amenity of persons living on roads close to the site of proposed operations.
 - Policy MIN 8: Restoration - to require mineral workings to be restored at the earliest opportunity.

Existing Area Plans, Strategies & Publications

- 2.34 **Derry Area Plan (DAP) 2011:** The DAP adopted in 2000 and now past its notional end date of 2011, has a chapter dedicated to Minerals. The DAP stated that building and roadstone aggregates are produced from three quarries in the District, shale/gritstone at Gorticross Upper, limestone at Lisbunny and sandstone at Claudy. The plan noted that sand and gravel for the construction industry was taken from pits in the Faughan valley south of Claudy and between Drumahoe and Maydown and in the past there were several workings in the Fawney area. Geological survey work carried out in the District to the north of Drumahoe had indicated the possibility that future exploration may reveal the presence of base and/or precious metals in the District. There are two proposals/policies:
- 2.35 Proposal MN 1 Areas of Constraint on Mineral Development: The Department defined Areas of Constraint on Mineral Development in (a) the Faughan Valley and (b) along the River Foyle within which there would be a presumption

- against the grant of planning permission for the extraction and/or processing of minerals.
- 2.36 Policy MN 1 Restoration of Despoiled Land: The Department would seek to restore despoiled land where development proposals provide appropriate opportunities.
- 2.37 **Strabane Area Plan (SAP) 2001:** The SAP was adopted in 1991 and is now past its notional end date of 2001. It stated the mineral extraction industry in the District consisted primarily of sand and gravel workings with 12 pits actively being worked in the valleys of the Mourne, Burndennett and Glenmornan Rivers. The largest concentration of pits and old sand workings was in the lower Burndennett valley. Only three hard rock quarries were active in the District.
- 2.38 The Department would support in principle the continued production of aggregates from areas which were already being exploited in order to facilitate the fullest use of those resources and to relieve pressure for development elsewhere. Nevertheless, permissions were to carry conditions designed to minimise environmental disturbance.
- 2.39 **Derry City and Strabane District Council Corporate and Improvement Plan 2018 – 19:**
- 2.40 While the Councils Corporate and Improvement Plan does not mention minerals it has been developed in the context of the **Community Plan**, known as the '**Derry City and Strabane Inclusive Strategic Growth Plan**', which will provide the long term strategic planning framework for the Council and the wider community. During the course of this process, Council has actively brought together a range of community, private and statutory stakeholders to develop a long-term vision for the social, economic and environmental regeneration of this area. The Strategic Growth Plan was published in November 2017.
- 2.41 The new style of LDP provides a unique opportunity for the Council to genuinely shape the district for local communities and will enable them to adopt a joined up approach, incorporating linkages to other functions such as regeneration, local economic development and community planning. The Local Government Act introduces a statutory link between the Community Plan (CP) and the LDP, in that the preparation of the LDP must 'take account of the CP – which provides the higher-level strategic aspirations. It is intended that the LDP will be the spatial reflection of the CP and that the two should work in tandem towards the same vision for the Council area and our communities and set the long term social, economic and environmental objectives for the District.
- 2.42 The Strategic Growth Plan's local corporate objectives which related to minerals, aim to deliver a strong, sustainable and competitive economy whilst also living sustainably by protecting and enhancing the environment. This provides a key context at the local council level relating to the economy and minerals when preparing the draft plan strategy.

Other Planning Policy Statements

- 2.46 **Planning Policy Statement: PPS 2 Planning and Nature Conservation:** Policy NH5: Habitats, Species or Features of Natural Heritage Importance is relevant to peat extraction. This policy states that planning permission will only be granted for a development proposal which is not likely to result in the unacceptable adverse impact on, or damage to known: priority habitats; priority species; active peatland; ancient and long-established woodland; features of earth science conservation importance; features of the landscape which are of major importance for wild flora and fauna; rare or threatened native species; wetlands (includes river corridors); or other natural heritage features worthy of protection.
- 2.47 A development proposal which is likely to result in an unacceptable adverse impact on, or damage to, habitats, species or features may only be permitted where the benefits of the proposed development outweigh the value of the habitat, species or feature. In such cases, appropriate mitigation and/or compensatory measures will be required.

Minerals Exploration Permitted Development

- 2.48 Under the **Planning (General Permitted Development) Order (Northern Ireland) 2015** there are certain permitted development rights afforded to Minerals explorations under Part 16. Development is allowed on any land during a period not exceeding 4 months consisting of:
- (a) the drilling of boreholes;
 - (b) the carrying out of seismic surveys; or
 - (c) the making of other excavations.
- 2.49 For the purpose of mineral exploration, and the provision or assembly on that land or adjoining land of any structure required in connection with any of those operations. There is an onus on the developer to notify the council in writing providing details of the location of the proposed development, the target minerals and details of the plant and operations and anticipated timescales. There are also a number of conditions associated with the permitted development rights for minerals exploration³. There are directions restricting permitted development (Article 4) and directions restricting permitted development under Part 16 (Article 7).
- 2.50 The former Department of the Environment launched (Currently DFI) a 'Call for Evidence' to help inform the future approach to Permitted Development (PD) Rights for Mineral Exploration in March 2016 regarding the above and were particularly keen to hear views on whether the existing development rights for onshore oil and gas exploration need to be addressed.
- 2.51 Derry City and Strabane District Council noted DFI's stance on this matter however a response indicating; "While recognising the additional workload it could bring to the Planning team, it is therefore felt that minerals exploration PD rights should be removed (for all but minor activities) so that most exploration

³ http://www.legislation.gov.uk/nisr/2015/70/pdfs/nisr_20150070_en.pdf

would require a planning application, with an appropriate fee and timescales to allow the Councils Planners to give proper consideration” was returned.

- 2.52 The Minister at the time, in a speech to the Assembly on 6th June 2016, responding to a motion calling for the protections of Woodburn Forest, announced that he intended to remove permitted development rights for petroleum exploration and consult upon the legislative change. It was intended that a public consultation paper detailing the changes to the permitted development rights for minerals exploration was to be published before the end of the year. This was subsequently published and consulted on from the 8th of December 2016 to 3rd of February 2017.
- 2.53 The consultation set out proposals for amending permitted development rights, including removing permitted development rights for petroleum exploration from Class A of Part 16 of the Schedule to the Planning (General Permitted Development) Order (Northern Ireland) 2015. The public consultation also seeks views on three minor amendments in respect of permitted development rights for all mineral exploration. These include:
- The introduction of a height restriction of 15 metres for any structure assembled or provided to Part 16 (permitted development rights for mineral exploration) of the schedule to the GPDO;
 - The extension of the time period from 21 to 28 days under Article 7 to allow councils time to fully assess whether permitted development rights under Part 16 of the Schedule of the GDPO should be removed or restricted; and
 - To bring forward a technical amendment to Part 16 of the GDPO to introduce a ‘relevant period’ to clarify when permitted development rights come into effect to ensure that minerals exploration is not permitted until the ‘relevant period’ has lapsed.
- 2.54 Derry City and Strabane District Council agreed with the removal of the permitted development rights for the drilling of boreholes for petroleum exploration from Class A of Part 16 of the GPDO. This will ensure that any future proposal must be subject to a planning application, which will enable councils to fully assess any potential adverse impact on local communities, landscape quality, built and natural heritage, and the water environment.
- 2.55 Regarding the two options tabled by DFI, Derry City and Strabane District Council considered that option 2 was the most appropriate as it still affords permitted development rights for the drilling of boreholes for preparatory exploration such as the carrying out of groundwater monitoring, seismic monitoring and the locations and appraising the conditions of mines.

The Mineral Resources Map for Northern Ireland

- 2.56 The Mineral Resources Map (MRM) for Northern Ireland, produced by the Geological Survey of Northern Ireland (GSNI) in 2012, comprises six sheets, one for each county⁴. A key aspect of sustainable development is the

⁴ <http://www.bgs.ac.uk/mineralsuk/planning/resource.html#NI>

Tyrone: http://nora.nerc.ac.uk/18973/1/Tyrone_Mineral_Final.pdf

conservation and safeguarding of non-renewable resources, such as minerals, and the purpose of these maps is to show the broad distribution of those mineral resources which may be of current or potential economic interest. The maps are intended to assist strategic decision-making in respect of mineral extraction and the protection of important mineral resources against sterilisation.

3.0 Background and Statistical Data

Role of Minerals for the Economy

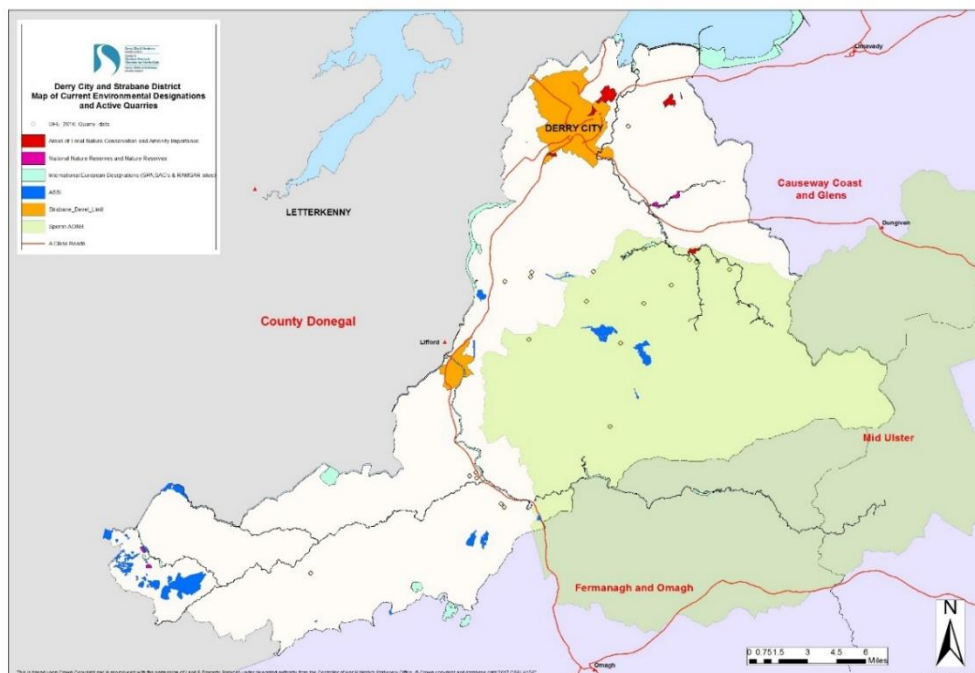
- 3.1 Mineral resources are recognised as an important national asset. Their extraction and use makes an essential contribution to the economy. While recycled materials and renewable energy sources should be used to reduce waste and encourage sustainability, minerals will continue to be required. Adequate supplies of minerals are essential for manufacturing, construction, energy and agriculture.
- 3.2 Like other industrialised economies, the UK is a major consumer of minerals. Construction minerals, notably aggregates, and energy minerals are the dominant minerals consumed by society.
- 3.3 Indigenous mineral production contributes to the economy by providing:
- employment (directly and indirectly)
 - markets for other goods and services, which stimulate activity elsewhere in the economy, and
 - basic raw materials for other industries, e.g. construction.
- 3.4 Quarry Products Association Northern Ireland (QPANI), is the trade association for the aggregates and an affiliate of the MPA and quarry products industry. Their website currently states that in a typical year, Northern Ireland's quarry network supports:
- The building of 12,000 new homes;
 - £160 million on school and university improvements;
 - a £120 million hospital building programme;
 - maintenance of our road and rail network;
 - improvements to water services;
 - the upgrading of our airports;
 - supplies of special sands and aggregates for our gardens; and
 - the turnover of the Northern Ireland quarry industry is approximately £400 million, 1.75% of NI GDP
- 3.5 In addition, it also states that every year nearly 14 tonnes of aggregates are needed per head of the population in Northern Ireland and a typical family indirectly demands three lorry loads of aggregates each year. A new house requires some 50 tonnes of aggregates. The quarry products industry employs around 5,600 people in NI
- 3.6 According to QPANI's figures, there are around 160 quarries and sand pits in NI. It states that the construction industry, which contributes around 10% of the Province's gross domestic product, is completely reliant on quarrying. Annual demand for aggregates in Northern Ireland is approximately 24 million tonnes and the jobs that quarrying supports are often in rural areas where other employment opportunities can be scarce. In fact, 75% of the total number of quarries and pits in Northern Ireland are situated in areas designated by Government as Targeting Social Need.

- 3.7 According to Mineral Products Association (MPA), NI produced 18 million tonnes of aggregates in 2013, and at 2.6 million cubic metres and 2.8 million tonnes, more ready mixed concrete and asphalt than both Scotland and Wales (see Fig 1 – 3 Appendix 1).
- 3.8 The NI Census of 2011 shows that of the 795,263 people in employment in NI, 1,988 work in Mining and Quarrying. In the Derry City and Strabane District, of the 55,612 residents in employment, 111 people work in Mining and Quarrying (see Table 2, Appendix 1). It should be noted however, that these figures relate to those directly employed at mines and quarries and not those employed in related activities, such as concrete works, etc.
- 3.9 According to DfE figures for December 2021, 2,090 people in NI work in Mining and Quarrying - a breakdown of these figures can be found at Table 3 Appendix 1. **(2021 Update)**

Availability of Minerals in Derry City and Strabane District

- 3.10 Figures obtained by QPANI suggest there are 17 quarrying companies and 22 quarry sites operating in the District (Map 1) and approximately 295,796 tonnes and a quarry value of £828,096 (Table 4 Appendix 1). Eight of the eleven councils in NI, produces more quarry tonnage than Derry and Strabane. Quarry locations and names are shown at Table 5 Appendix 1 (please note this list is not exhaustive). Work is currently underway as part of the Local Development Plan process to identify all quarries within the Derry City and Strabane District Council area. It is envisaged that prior to the LPP stage we will have an exhaustive list of existing workings and those sites that still have live permissions.

Map 1: District Map of Current Environmental Designations and Quarry Locations



- 3.11 As mentioned in paragraph 2.57, the principal source of information regarding the location, extent and nature of the minerals resource of each county is provided by the MRM for Northern Ireland. These also show the location of mineral workings (as at 23 March 2012) and environmental designations (ASSIs, SPAs, SACs, Ramsar sites and NNRs).
- 3.12 The links to the MRM (paragraph 2.57) show the mineral resources underground in Counties Derry and Tyrone. The MRM is used to assist the strategic decision making in respect of mineral extraction and the protection of important mineral resources against sterilisation.
- 3.13 The geology of the Derry and Strabane area is rich in minerals ranging from peat, basalt, igneous rock, sandstone, psammities and quartzites, as well as sand and gravel. Sand and gravel is very common in the south and west of the District, found along the fringes of the Sperrins and within the river valleys emanating from them. Psammities and quartzites are found across the District, occurring in a range of geological areas and environments. Sandstone is similarly found around the Eglinton and Douglas Bridge areas. The main local recipient of these resources is the building and construction trades, though demand has reduced over the last decade due to the recession and downturn in housing markets etc.

Sand and Gravel

- 3.14 The counties of Tyrone and Derry are the main producers of sand and gravel in Northern Ireland. These two counties produce around 78% of the country's sand and gravel extracts (Tyrone – 55%, Derry – 23%).
- 3.15 Sand and gravel extraction is focussed around the Artigarvan, Ardmore, Claudy, Donemana, Spamount and Victoria Bridge areas.
- 3.16 The type of extraction is generally opencast quarrying. Material from these sand and gravel quarries is primarily used in the building industry and in the manufacturing of concrete products.
- 3.17 The variability of sand and gravel deposits together with their possible concealment within or beneath till (boulder clay), means that it is difficult to infer their location and the likely extent of potentially workable resources.
- 3.18 Many of the general principles and methods of working in relation to sand and gravel operations are generally applicable to hard rock quarries. One notable difference with sand and gravel workings, however, is that these generally require a higher rate of land use. Sand and gravel deposits tend to be shallow in nature and therefore, for an equivalent volume of production, greater areas of land require disturbance.

Psammities and quartzites

- 3.19 Precambrian-age metamorphic rocks of the Sperrin Mountains have been widely worked for local building stone e.g. Letterbrat near Plumbridge.

- 3.20 Historically, large building stone quarries were opened in the psammites and semipelites in, and around, Derry City. On the south side of Derry City, pelitic units were formerly worked for roofing slates, although latterly these have been replaced by slates from overseas.

Hardrock

- 3.21 Extraction of hardrock (basalt, limestone and sandstone) is opencast and its production is important to the local economy.

Limestone

- 3.22 County Tyrone is the second largest producer of limestone in Northern Ireland accounting for 20% of total output, County Derry only produces around 1% (MRM). Limestones are commonly worked for construction aggregate and building stone. They are also valued for their chemical properties in applications such as cement manufacture, glass making, iron ore smelting, flue gas desulphurisation, as a soil conditioner, food supplement and white filler.

- 3.23 Relatively thin limestones occur within Precambrian-age rocks in the Sperrin Mountains. The Bond's Glen Limestone is actively worked for aggregate and agricultural lime and was also formerly quarried near Donemana.

Sandstone

- 3.24 Derry and Strabane produce virtually none of Northern Ireland's sandstone, despite containing some valuable resources. According to the 2010 mineral statement, none of Northern Ireland's sandstone is produced in Co Tyrone with Co Derry only producing 0.003%. There are deposits of sandstone in Derry and Strabane, according to MRM, with the main concentrations being located to the east of Derry City, around the Eglinton area. Sandstone is also located around the Plumbridge/Victoria Bridge area.

Peat

- 3.25 Peat is an unconsolidated deposit formed by decaying organic matter which accumulates in a water saturated environment such as a bog or moss. Bogs occur in areas of high rainfall for supply of water or in sedimentary basins such as former lakes. Vegetation is characterised by acid tolerant plant communities of which the genus Sphagnum is dominant. The two main types of bog are (1) raised bogs, characteristic of flat underlying topography and found on plains and broad valley floors and (2) blanket bog, which occur mainly in upland areas where conditions are suitably cool and wet.

- 3.26 There are extensive resources of peat in Counties Derry and Tyrone. In Co. Derry, blanket bogs occur at lower altitudes than in the east and central parts of the country. Blanket peat is a feature in the upland areas of Co. Tyrone with a line of raised peat bogs running from the east to the west, some of which are commercially developed whilst some in the west are designated as Areas of Special Scientific Interest (ASSI's). The majority of peat cutting operates to provide domestic fuel and without any application having been lodged. The process of extraction can decimate extensive areas, leaving the landscape compacted and devoid of vegetation.

Metalliferous Minerals

- 3.27 Principal metals found in County Derry are copper, lead, zinc and gold.
- 3.28 Gold – Northern Ireland is arguably the most prospective area of the British Isles for precious metal deposits. Alluvial gold has been recovered since Celtic times when it was used to produce ornate artefacts. Modern-day exploration commenced in the late 1970s. The Dalradian basement rocks of the Sperrin Mountains have been the main focus of exploration but recent work has identified additional prospective areas.
- 3.29 The North West part of County Derry is dominated by Precambrian metaphoric rock, which is highly prospective of gold. Areas in both Counties have been the focus of numerous mineral exploration programmes. At Lear, south of Claudy, values of up to 26 grams per tonne are recorded from a vein.
- 3.30 There are two significant gold mining operations ongoing in Fermanagh & Omagh District, though there are no similar operations ongoing in Derry City and Strabane District.
- 3.31 Alluvial gold occurrences are widespread across the north west of County Derry and the Sperrin Mountain Area. Although alluvial gold is unlikely to become an economic source of gold in NI, it does provide physical evidence of gold in bedrock.
- 3.32 Copper, Lead, Zinc and Barytes – disseminated zinc, lead and massive pyrite mineralisation have been recorded within rocks around Park. The Tyrone Igneous Complex, which straddles both counties, is host to copper, lead, zinc and gold

Summary of Mineral Production in Derry and Strabane

- 3.33 DfE Minerals and Petroleum Branch has responsibility for collecting the Annual Mineral Statement of Quarry Output for Northern Ireland. The most recent available information on minerals by type and tonnage of materials extracted their cumulative value (NI) is published on DfE's website, however local data for DCSDC is limited as only three operators have filed minerals returns in 2020 with no returns for the DCSDC area in 2019. (2021 Update)
- 3.34 DfE explain that due to variations in the number of responses for individual years, it cannot be assumed that they represent trends in output over this period. This therefore makes it difficult to make estimates of future production needs based on past trends. DCSDC will continue to liaise with DfE and minerals operators and agents to ensure further information is sought prior to the Independent Examination and the LPP.
- 3.35 Under 'The Quarries (Northern Ireland) Order 1983' part 18, there is a requirement on owners, occupiers or agents of quarries to submit an annual return.

18. – (1) *The owner, occupier or agent of every quarry shall, on or before 1st February in every year, send to the Department a correct return in the prescribed form specifying, with respect to such quarry for the year ending on the preceding 31st December, the quantity in statute weight and the name of the mineral produced or gotten during that year, the value or selling price of the mineral in the condition in which it leaves the quarry and the number of persons ordinarily employed in the quarry.*

3.36 This is also backed up by part 20, which outlines the legal proceedings associated with not providing the sufficient data:

20. – (6) Where Article 16 or **18** is contravened the owner, occupier or agent of the quarry shall be guilty of an offence.

3.37 However it should be noted that on 30/05/2018 DCSDC contacted DfE regarding the enforcement of the above mentioned legislation. It was confirmed by a member of staff that it was a legislative requirement under part 18 (1) of the Quarries (Northern Ireland) Order 1983; that the information was to be provided. However, under Article 20 (6) there was no clear action defined to constitute enforcement upon the relevant owner, occupier or agent in breach of Article 18 (1). It was also confirmed that there has never been an enforcement case to date, and it would be something that would be considered going forward by DfE.

3.38 A meeting was held between DfE and DCSDC on 17/04/18 to discuss policy, legislation and our evidence base. There was a discussion around the annual minerals returns and it was agreed that DCSDC would assist in capturing minerals returns for the department by sending letters to request data on behalf of DfE. DCSDC sent 28 letters to originally on the 11/05/18 and after further research on the number of quarries and quarry owners a more refined list of 15 letters were sent on the 20/09/18. Following these rounds of letters there was a total of five returns. These have since been forwarded onto DfE, and it is hoped that additional returns will give a better insight into the minerals produced per year in DCSDC.

3.39 There have been further meetings in 2019, between the Council's officers and Mineral Products Association (MPA, formerly QPA) and with DfE through the LDP Planner Minerals Group. It is clear that there are still significant questions over the reliability and completeness of the official 'Minerals Returns' information for the District / region. However, this situation had been improving prior to the pandemic, so the Council is hopeful that the LDP LPP stage will be able to avail of better statistical information on the resource, supply, usage and potential of minerals in the District, as well as better estimates on the need for further minerals permissions over the LDP period. In the meantime, no strategic decisions or policies in the LDP Plan Strategy require the applicant to demonstrate a 'need' for the products; therefore, the Council does not consider that the SPSS requirement to accurately estimate such data is actually essential, particularly at this stage of the LDP.

Mineral Reserves

- 3.40 There are no quantifiable details in relation to the amount of mineral reserves that lie within the District. There is also a lack of information on the amount of permitted mineral reserves i.e. existing permissions which are still being worked. Although the Mineral Resource Maps for Northern Ireland provide information regarding the location, extent and nature of the minerals resource in each county, the data as depicted on the maps show only the inferred extent of a mineral resource. Inferred resources are those defined from available geological information and assumed but not verified geological continuity. Thus the inferred boundaries shown are approximate and only indicate the areas within which potentially workable minerals may occur. The economic potential of specific sites can only be proved by a detailed evaluation programme. Such an investigation is an essential precursor to submitting a planning application for mineral workings.

Minerals-Related Consultation

- 3.41 Further consultations are being held with Geological Survey Northern Ireland (GSNI), the Health and Safety Executive for Northern Ireland (HSENI), Historic Environment Division (HED), Northern Ireland Environment Agency (NIEA) and Environmental Health. Key players including construction bodies and business will be invited to take part in Stakeholder meetings. This will feed into the evidence base, together with member feedback, in support of the draft Plan Strategy and Local Policies Plan.

4.0 Preferred Options Paper

4.1 **Derry City and Strabane District Council Preferred Options Paper (POP):** Derry City and Strabane District Council published the Preferred Options Paper in May 2017. The research findings contained in the POP, subsequent evidence based papers, together with member’s views, and advice from relevant parties/consultees informed options. These options were then taken forward and subject to Sustainability Appraisal (SA) incorporating Strategic Environmental Assessment (SEA) as part of the POP process.

4.2 In considering the 3 options, option 1 proposed maximising the potential of our local aggregates sector, whereas option 2 placed emphasis on protecting the environment and constraining further development, while option 3 sought to balance the approach, which would promote minerals development in sustainable locations, protecting sensitive landscapes and reinstatement workings.

	Option 1	Option 2	Option 3
I - Minerals	Pro-development, and maximise the potential growth of our local aggregates sector across the District	Emphasis on protecting environment, and consequently constrain further development and growth opportunities	Balanced approach, which seeks to promote mineral development in sustainable locations with a focus on the protection of sensitive landscapes and reinstatement of workings

4.3 It was considered that Option 3 was the preferred option as it was reasonably positive economically, and more positive environmentally, in particular for biodiversity and landscape over the long term.

4.4 POP representations were received relating to Minerals Development, environmental protection and the need for minerals extraction to facilitate economic development within Derry City and Strabane District Council and the wider Region. Minerals, or matters related to minerals, were raised in 13 different separate consultation responses. A number of issues were raised on multiple occasions. Responses have been summarised into seven key areas, as follows:

1. Various Government Departments (3) – **Department for Community (DfC)** wants to see an emphasis on protecting the environment and natural heritage as it contributes to tourism. **DAERA** welcomed ACMDs and wanted to see protection for peat. **Department for Economy (DfE)** stressed the need for a policy for high value minerals. They also stressed the importance of sand and gravel production and its role in contributing to a growing economy.

2. **Woodland Trust** believe that an emphasis on protecting the environment would have a greater economic benefit than promoting mineral development in a rural area.
3. **RSPB** suggest that planning permission should be refused for peat extraction from new or extended sites, or renew extant planning permissions. They believe that this will contribute to the sustainable management of peat lands in the Sperrins/Derry and Strabane Border area. They also suggested that the subject policy needs to be set in the context which ensures that levels of peat extraction do not exceed environmental limits or undermine the integrity of wider eco-systems. They suggest that Minerals sites have the potential to enhance biodiversity sites at the end of their working lives through restoration, and that reference should be made to the publication 'Habitats creation for the Minerals Industry'.
4. **River Faughan Anglers** believe that carrying forward a failed minerals policy into the LDP is a mistake and is an inadequate approach if sustainable planning is to be achieved. They suggest that inadequate minerals policy has been a major problem for many decades failing to protect designated sites including the River Faughan SAC. They also state that mineral industry is not significant in terms of the contribution to the local economy. Government failure to implement the Review of Old Minerals Permissions (ROMPs) has led to many quarries operating outside modern standards.
5. **Turley's** on behalf of **Dalradian Gold Ltd** suggest that the baseline information within the SA Scoping Report doesn't convey the Council's own evidence base document and recognise the potential for significant gold reserves within the District and the substantial benefits that minerals extraction could have for the local economy where these physical resources are extracted in a sustainable manner.
6. **QPANI (now MPA NI)** suggested that there needs to be collaboration between different interest groups and the industry to develop ecosystems approaches to long-term minerals planning. They adamantly oppose Areas of Minerals Constraint. They suggest the need to identify Minerals Safeguarding (Reserve) Areas around existing operational sites to prevent inappropriate development that would sterilise future construction aggregate reserves and impact on the day to day operation of existing sites. They also suggest that any restoration plan should take account of enhancing and protecting any priority species identified in the local area and enhancing any designation in the locality.
7. A member of the public outlined their wish for no fracking at any time.

5.0 Key Considerations

Implications for Mineral Development in the LDP

- 5.1 Current information set out in this paper, clearly shows that mineral extraction and production makes a significant contribution to the Northern Irish economy and also an important contribution to the local economy. While mineral extraction and production appears to be relatively small in the District, in comparison with others in NI, it still has a significant value to the economy and development of the District.
- 5.2 The MRM maps indicate that there is potential for various minerals to be found throughout the District and therefore possible that they may be extracted in the future.
- 5.3 While there are certainly economic benefits to mineral extraction and production, this industry also provides a number of challenges, including impact on the environment, visual implications and impact on the amenity of local residents. The MRM maps also show the Environmental Designations and Scheduled Monuments, which the industry can also have an impact on.
- 5.4 This presents a challenge for the LDP because minerals can only be extracted from sites where they occur, and there may be limited opportunities for consideration of alternative sites.
- 5.5 In line with the Strategic Planning Policy Statement (SPPS), the LDP will be required to:
- ensure that sufficient local supplies of construction aggregates can be made available for use within the local, and where appropriate, the regional market area and beyond, to meet likely future development needs over the plan period;
 - 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 future exploitation; and
 - identify areas (Areas of Constraint on Minerals Development) which should be protected from minerals development because of their intrinsic landscape, amenity, scientific or heritage value (including natural, built and archaeological heritage). There should be a general presumption against minerals development in such areas. However, where a designated area such as an Area of Outstanding Natural Beauty (AONB) covers expansive tracts of land, the LDP should carefully consider the scope for some minerals development that avoids key sites and that would not unduly compromise the integrity of the area as a whole or threaten to undermine the rationale for the designation.
- 5.6 In summary, minerals are an important natural resource. The minerals industry makes an essential contribution to the economy and to our quality of life, providing primary minerals for construction, such as sand, gravel and crushed rock, and other uses, and is also a valued provider of jobs and employment, particularly in rural areas. Mineral production must therefore assess any

potential gains and negative impacts such works might have. From this, the Council has developed a number of policies based on the evidence within this paper.

- 5.7 The LDP team has developed a general Minerals policy that should be applied to all minerals applications, a policy has also been developed relating to the restoration of minerals working, this should be applied to all future planning applications for new deposits or extensions to existing deposits. This policy has been developed due to the number of existing deposits that have been left dormant and not restored within Derry City and Strabane District Council.
- 5.8 There are then more strategic policies which have been developed on the back of our evidence base, these include a policy for valuable minerals which has been included due to the number of prospecting licences in our area. We have also included reference to unconventional hydrocarbon extraction; however, DfE indicated that this mineral is currently not economically viable for extraction within our District, we have however included this policy in case there is a development in technology, which increases the possibility of these resources becoming economically viable.
- 5.9 The LDP team have also developed policies specific to two types of strategic designations these include Areas of Constraint on Minerals Development (ACMDs) and Minerals Reserve Areas (MRAs), both of these will be identified at the LPP stage. The need for these designations is identified in the SPPS to provide a constant supply of minerals for the local and regional economy through MRAs, and to protect our most intrinsic landscapes with ACMDs. The ACMDs have been carried forward from the previous Area Plans, but will be updated at the LPP stage to reflect existing circumstances.

6.0 Draft Plan Strategy

- 6.1 All relevant Minerals legislation, policy and guidance was considered in the development of the Minerals section for the LDP dPS. This section acknowledges the importance of minerals development, as there are strong economic benefits associated with extraction and production. This industry also provides a number of challenges, including its impact on the environment and impact on the amenity of local residents.
- 6.2 In this respect, the proposed strategy of the LDP will reflect the regional strategy as set out in the RDS and SPPS. The strategy has also been influenced by the aims of the Council's Strategic Growth Plan.
- 6.3 We have also taken account of the POP representations, Member's inputs and consultee responses in reaching the conclusions in the strategy and policy wording of the dPS.
- 6.4 Following the publication and consultation of the Preferred Options Paper (POP), letters were sent to relevant consultees in March 2018 asking for their views relating to Minerals Development. The following consultees were contacted:
- Department for Economy (DfE)– Minerals Branch;
 - Donegal County Council;
 - Fermanagh and Omagh District Council;
 - Mid Ulster;
 - Causeway Coast and Glens Borough Council;
 - Department for Infrastructure; and
 - Department for Agriculture, Environment and Rural Affairs.
- 6.5 Responses reiterated their views from the POP stage with neighbouring councils noting that discussions on each topic will be progressed at the Sperrin Forum. DfE requested a meeting with the Local Development Plan team.
- 6.6 A meeting was held on 18th of April 2018 with DfE Minerals Branch, the main consultee for this topic; the following was discussed:
- Proposed designations (ACMDs and MRAs);
 - Review of Old Minerals Permissions (ROMPs);
 - Proposed Planning Policies;
 - Landslides, abandoned mines and areas of subsidence;
 - Minerals waste plans;
 - Minerals working group; and
 - Statistics and Data – Minerals Returns.
- 6.7 Following the meeting preparation began on drafting new planning policies for a draft Minerals chapter, this was then sent to DfE Minerals Branch in early 2019 and a very detailed response was received, some of the main comments included:

- Use of the word ‘detrimental’ from the previous policies should be replaced with ‘unacceptable adverse impacts’;
- Updated wording for J&A relating to underground mining operations;
- Highlighted the sand and gravel potential within the Glenelly Valley, and the proposed continuation of the previously designated Area of Constraint on Minerals Development (ACMD) – DfE noted importance of robustly evidencing availability of local construction resources – at LPP stage;
- In relation to MIN 3, DfE sought further clarification what householder development would be exempt from the policy, suggesting it would be for alterations and extension to existing households, and replacements, but does not include the development of new homes which could sterilise the MRA;
- DfE welcomed DS&SDC’s approach to valuable minerals; and
- DfE welcomed DC&SDC’s approach to restoration, noted that there may be a need for further discussion with the quarry / minerals sector.

6.8 A Minerals paper was presented and discussed by Members at the 2016 round of Member Discussion Meetings, Pre – POP. At the 2018 RTD session, individual Members of the Committee raised key issues, these include:

- Gold mining / exploration – Application for gold mine in neighbouring District. Exploration licences granted within our own District and neighbouring Districts;
- Exploration Permitted Development - Members noted controversy around permitted development rights for minerals. Officers noted their concerns, however also reiterated that it would be difficult to remove PD rights as it is based on legislation;
- Areas of Constraint on Minerals Development – Members referred to the benefits associated with an ACMD; however, concerns were noted about what would be considered an exception. Members queried if the exception rule could be removed and this considered again during the review of the LDP; and
- Restoration of Quarries – Members noted sand and gravel quarries are quick to destroy the landscape. Members suggested that inert waste be used in restoring quarried land. Also, enforcement activity regarding quarries is a contentious issue and Members raised concerns about retrospective applications.

6.9 All of the above issues were then considered as part of the policy development. It was also important to seek the input from our own professional officers who deal with these policies on a day to day basis through the development managements process, thus we engaged with them and queried if they wished to make any changes to the existing policies. The senior planner involved with minerals applications recognised the requirement for a single coherent policy for minerals, as at present a lot of the policy is contained within the Planning Strategy for Rural Northern Ireland, which is an older planning document.

6.10 Senior Planners are content with the regional direction set out in the SPSS and supports mechanisms, such as bonds, to ensure proper restoration of mineral

sites. Development Management also recommended that wording for hydrocarbon policy should be stronger than in the SPPS and that we should replace the wording “should be a presumption against” with “will be a presumption against”. Development Management also recommended that we emphasised the need for an appropriate separation distance for blasting operation in the Justification and Amplification section of the policy.

- 6.11 In terms of operational policy, the wording and content is broadly in line with SPPS and it also utilises wording from Mineral policy contained within the Planning Strategy for Rural Northern Ireland (PSRNI). DAP 2011 defines ACMDs in Proposal MIN 1, which had the intention of protecting visual amenity and natural heritage along the River Foyle and River Faughan corridors. The intent of the proposal is sound and consistent with SPPS and it is reflected in proposed policy MIN 2 and in the strategy set out in the chapter.
- 6.12 There was one policy relating to Minerals in DAP 2011, under MN 1, which dealt with the restoration of despoiled lands that were previously unregulated and unrestored in the Faughan Valley. The objective of this policy could be achieved through ROMPs legislation, if enacted. However, where possible, the Council will encourage restoration in such situations if opportunities arise by imposing conditions within the remit of that allowed under Section 52 & 53 of the Planning Act and in accordance with MIN 5.
- 6.13 SAP 2001 also contained ACMDs and, like the Derry ACMDs, it is proposed that they will be returned. SAP encourages the continuing working of existing mineral sites, the LDP proposes that this approach is regulated for new proposals through the policy provisions set out.
- 6.14 The POP representations have been considered above. There has been some opposition to the preferred option set out in the POP; however, on balance, it is considered the preferred option is carried forward to draft PS stage and this is reflected in the proposed strategy and policies for Minerals.
- 6.15 The emphasis of the preferred option and proposed strategy/policy is to provide a balanced approach, which seeks to promote mineral development, whilst also protecting the environment. As such, each policy will give appropriate weighting to both the economic and environmental merits of the proposal and it is not the intention to give either of these full weighting against the other.
- 6.16 Taking the above into account, it is considered that removing the “exception” option in ACMDs, as raised in the RTDs, would remove the balance that prevails elsewhere in the strategy and policy. MIN 2 is still heavily weighted in favour of environmental protection; however, it is felt that the exception rule will give some scope to considering short term proposals that will not adversely impact on the environment and amenity. Likewise, it is felt that it would be contrary to the overall balanced approach to impose an ACMD on the entire AONB. We will seek to protect the most sensitive landscapes within the AONB, through the focussed designation of ACMDs.

- 6.17 It is also noted that the Members have concerns regarding the potential for the exploitation of gold and other valuable minerals. The SPPS states that there “will not be a presumption against their exploitation in any area”, but goes on to state that if the site is within a statutory policy area that “due weight will be given to the reason for the statutory zoning”. Policy MIN 4 has been proposed to reflect the approach set out in the SPPS.
- 6.18 The representations received on the draft Plan Strategies of Fermanagh & Omagh, Mid-Ulster and Belfast have been reviewed and relevant comments / criticisms of their Minerals chapters have been considered and some amendments made i.e. clarification about the extent of use of MRAs in Para 15.26. The other ‘transferable’ criticisms have either been dealt with by our other amendments; will be done at LPP stage or in this Evidence Base paper.

Designations / Zonings

- 6.19 The LDP proposes Areas of Constraint on Minerals Development (ACMD) to protect areas from minerals development due to their intrinsic landscape, amenity, scientific or heritage value (including natural, built and archaeological heritage). At LPP stage, we will review the former ACMDs, which were zoned in the Strabane Area Plan 2001 and the Derry Area Plan 2011 (these were located in the Glenelly Valley, Faughan Valley and River Foyle). During the transitional period, the previous designations will remain in tandem with the proposed policy MIN 2.
- 6.20 The LDP proposes that Minerals Reserve Areas (MRAs) will be defined around minerals resources, which are of particular local or regional economic and conservation value. The designation will restrict surface development which would prejudice future exploitation of these minerals resources. Following advice from DfE, should any be identified, the location and extent of these MRAs will be identified at LPP stage.

MIN 1 – Minerals Development

- 6.21 It is considered that the proposed policy MIN 1 reflects the policy direction as set out in the SPPS. It amalgamates the PSRNI policies MIN1, MIN2, MIN6 and MIN7. There has been additional wording added to the J&A to highlight the consideration of active peat, plus signposting to the Natural Heritage chapter in the Plan Strategy.

MIN 2 – Areas of Constraint on Minerals Development (ACMD)

- 6.22 This will carry forward our ACMDs which were identified in the DAP and SAP and consider revising their boundaries or any additional ACMDs at Local Policies Plan (LPP) stage.

MIN 3 – Minerals Reserve Areas (MRA’s)

- 6.23 This is a Minerals Reserve Areas policy, though these may not be designated until LPP. This is a policy similar to that contained within the PSRNI, to protect certain minerals that are of particular value to the economy. Clarification has been added to re-assure that MRAs will only be used where really necessary, and on the exceptions to MRA policy.

MIN 4 – Valuable Minerals

- 6.24 This policy is similar to that in the PSRNI and the SPPS. It also references the designated areas – for landscape, visual, heritage, nature, etc., as well as ACMDs. It is also important that this policy considers the similar policies / designations of our neighbouring Councils.
- 6.25 Even though DfE has advised that there are no financially viable areas suitable for hydrocarbon extraction, we will retain as part of the policy to align with surrounding Councils and in case it does become financially viable in the future. It should be noted that MIN 4 changes the emphasis of the SPPS in that it replaces the wording “should be a presumption against” with “will be a presumption against”.

MIN 5 – Restoration

- 6.26 It is considered that the proposed policy MIN 5 reflects the policy directions as set out in the SPPS. There has also been a policy provision for restoration. The use of restoration bonds is a new policy tool, which will be used to ensure that the Council achieves effective compliance. It is considered that the policy tool is consistent with the SPPS and relevant legislation.

(Update 2021) A number of Representations to the LDP dPS have queried the need-for and practicality of requiring a restoration bond or a Guarantee Fund; therefore, further to the wording of Policy MIN 5 and J&A para 13.35, additional information has been gathered below and at the Appendices to demonstrate the need for restoration bonds / Fund and the practical application of such. If considered necessary, the Council will issue a Restoration Practice Note as SPG to support the implementation of this policy:

Firstly, the experience of Planning Enforcement Teams across NI and beyond are that it has been very difficult to enforce planning restoration conditions, particularly where it is difficult to identify when a quarry has finished / slowed down or been abandoned and especially when the operator has ‘gone out of business’ changed its trading name, etc. The end result is that there are numerous examples across this District and NI of long-running or dormant or former quarries that appear to be abandoned, have had no / little restoration and they remain as ‘lunar landscapes’ and ‘scars on our landscape’ – see photographs of a few local examples in the Appendix.

The following links provide examples of information on similar concerns, examples of restoration bonds policy elsewhere (especially Scotland) and usefully the details of the Mineral Products Association (MPA) Restoration Guarantee Fund.

<https://www.kirklees.gov.uk/beta/planning-policy/pdf/supportingDocuments/mineralsWaste/Restoration-Aftercare-mineral-sites.pdf>

Across the UK, there have been historical problems with operators not completing the restoration of the site following minerals extraction. The use of phased restoration schemes on larger sites and/or the retention of a restoration bond for use in the completion of restoration could reduce the risk of long term unsightly impacts on the landscape. (Page 5, para 1.8) Kirklees Council

https://www.westlothian.gov.uk/media/39504/SG-Supplementary-Guidance-Minerals-Including-Restoration-Bonds-Adopted-February-2020-pdf/pdf/SG_-_Minerals_Including_Restoration_Bonds_-_Adopted_Version_-_Pdf.pdf?m=637187398112830000 – see page 24-25 West Lothian Council SPG

<https://www.east-ayrshire.gov.uk/Resources/PDF/C/Coal-Restoration-Guarantee-Bonds-for-Opencast-Coal-Mines.pdf> The Scottish experience

<https://suretybonds.ie/restoration-bond/> An example of an Irish company that provides such Bonds

https://www.mineralproducts.org/MPA/media/root/Publications/2019/RGF_Brochure.pdf Mineral Products Association (MPA) Restoration Guarantee Fund.

- 6.27 The issue of inert fill for quarry restoration is now referenced in Para 15.32 and cross-referenced to the Waste chapter.

Recommendation

- 6.28 It is considered that the above policies meet the strategic direction of the relevant legislation and guidance for Minerals, as well as meeting the minerals needs of this District and region.

7.0 Sustainability Appraisal

- 7.1 Throughout their formulation, the policies contained within the Minerals Chapter have been subject to an ongoing internal sustainability appraisal (SA). This is in addition to the wider external SA, conducted by Shared Environmental Service as part of the wider suite of impact assessments/appraisals required under the Planning Act (Northern Ireland) 2011. The internal appraisal was carried out with the fourteen objectives of the external appraisal in mind (refer to the SA report for more information).
- 7.2 The process of sustainability appraisal aims to ensure that a council's approach towards minerals is the most sustainable of all reasonable options available i.e. having considered any reasonable alternatives. In the case of minerals policies, no reasonable alternative has been identified. Our proposed policy is the only realistic option to meet the aims of the RDS and SPPS and current policy framework.
- 7.3 With regard to the degree of sustainability of each the resulting proposed policies, this is outlined below:

MIN 1 Minerals Development

- 7.4 While several influences on the social sustainability objectives are identified, this policy is unlikely to generate any positive impacts. However, the policy will contribute to safeguarding against negative impacts from new minerals development on people and communities in terms of nuisance and safety.
- 7.5 While some influences are identified in respect of the economic sustainability objectives of education and material assets, the overall effect is negligible. Significant positive impacts are identified for the objective to enable sustainable economic growth, recognising the contribution that a sustainable indigenous minerals industry can bring to an area. Minor positive effects are also identified for the objective to protect physical resources and use sustainably. Minor positive effects are also identified for the objective to protect, conserve and enhance the historic environment and cultural heritage.
- 7.6 A number of influences, both positive and negative are identified for the environmental objectives to encourage active and sustainable travel, to improve air quality, to protect, manage and use water resources sustainably and the objective relating to climate change. However, these influences are unlikely to give rise to a perceptible effect and a negligible score is recorded. Minor negative effects are reported for protecting natural resources and enhancing biodiversity and maintaining and enhancing landscape character. The nature of minerals development means that it may be difficult to avoid or mitigate all effects satisfactorily. The linked policy MIN 5 will help to ensure that restoration will occur, which may help to offset some of these effects, however this is unlikely to occur in the timescales covered by this LDP. This policy is considered to be a sustainable policy.

MIN 2: Areas of Constraint on Minerals Development (ACMDs)

- 7.7 The identification of ACMDs for their intrinsic landscape value delivers retains areas of natural environment that are a pleasant place to be in, which indirectly delivers a minor positive effect on health and wellbeing. There are no perceptible effects on the other social sustainability objectives.
- 7.8 The protection of areas that are particularly important for their landscape value will help to facilitate economic development linked to sustainable tourism, leisure and recreation and should not noticeably constrain the supply of local minerals as there should be adequate supplies available elsewhere outside the ACMD. Minor positive effects are identified for enabling sustainable economic growth but no other effects are identified on the economic sustainability objectives.
- 7.9 A positive impact is identified for all of the environmental sustainability objectives except the objectives to encourage active and sustainable travel and to improve air quality, where the effect is negligible. These positive effects of protecting areas of semi-natural land are significant in respect of the objectives to protect physical resources, natural resources and to maintain landscape character. This policy is considered to be a sustainable policy.

MIN 3 Mineral Reserve Areas (MRAs)

- 7.10 There are no currently identified mineral reserve areas in the district to which this policy would apply but the policy will allow the opportunity for a MRA to be spatially defined should a proven mineral resource that merits protection be identified in the future. As a consequence, it is difficult to identify and assess any potential effects in the appraisal as neither the location nor the type of mineral is known. Furthermore, the identification of a MRA will not directly lead to development, but may enable it to occur at some point in the future.
- 7.11 Some potential influences are identified for the social sustainability objectives, but none are considered to be strong enough to deliver a perceptible effect.
- 7.12 Potential positive and negative effects are identified for the objective to enable sustainable economic growth in the medium and long term, as the exploitation of a valuable mineral resource could deliver benefits but it may constrain other types of economic development depending on its location.
- 7.13 Uncertain effects in the long term are also identified for several of the environmental sustainability objectives, as the option could potentially result in the temporary safeguarding of an area from development, but may ultimately lead to more impacting development. Effects cannot be predicted as they are dependent on whether any MRAs come forward and where they are located. However, MIN1 and other operational policies will provide some protection against negative effects. This policy is considered to be a sustainable policy.

MIN 4 Valuable Minerals

- 7.14 There are currently no proven valuable mineral resources areas in the District to which this policy would apply, but the option would allow the opportunity for a valuable mineral to be extracted in the event that a feasibly extractable deposit is identified in the future. As a consequence, it is difficult to identify and assess any potential effects in the appraisal as the type of mineral, its location and the method of extraction is unknown.
- 7.14 Some potential influences are identified for the social sustainability objectives, but none are considered to be strong enough to deliver a perceptible effect.
- 7.15 A mixture of positive and negative effects are identified for the objective to enable sustainable economic growth - the policy helps to keep options open and allows best use of location to be made, however development of this type could potentially reduce the district's attractiveness for tourism. By enabling mineral resources to be extracted, a minor positive impact is identified for the objective to protect physical resources and use sustainably.
- 7.16 The policy has no effect on encouraging active and sustainable travel and the predicted effect on air quality is negligible. Effects on the remaining environmental sustainability objectives are uncertain, they cannot be predicted as they are mainly dependent on the nature, location and extent of development. Other linked minerals policies such as MIN1, MIN2 and MIN5 will reduce the risk of permanent negative effects, while policies arranged under Part E of the LDP (Environment) will also deliver specific safeguards that will benefit the environmental sustainability objectives. This policy is considered to be a sustainable policy.

MIN 5 Restoration

- 7.17 It should be noted that this policy will only apply to new minerals development and is only likely to apply to a limited number of quarries. The appraisal has been conducted in the context of the best case scenario and is looking over the long term, which may be longer than the life of the plan.
- 7.18 A minor positive effect on the objectives to improve health and well-being and to strengthen society is identified for the long term timescale for this option. The option requires consideration to be given to needs of local community and it may result in the delivery of new open space or other asset which may deliver well-being benefits.
- 7.19 A long-term minor positive effect is also identified for the objective to enable sustainable economic growth as the restoration may help to develop an asset that can generate a new type of income, directly or indirectly.
- 7.20 As the policy encourages phased / progressive restoration and consideration of plans from the outset, benefits to some of the environmental sustainability objectives may be delivered from the short-term timescale. Minor positive effects are identified for the objectives to protect physical resources and use sustainably, to protect, conserve and enhance the historic environment and

cultural heritage, to protect natural resources and enhance biodiversity and to maintain and enhance landscape character. In the case of the latter two, the effects should strengthen to significant positive over the long term timescale. This policy is considered to be a sustainable policy.

- 7.21 A draft Habitats Regulations Assessment (HRA) has also been undertaken and published for consultation with the Draft Plan Strategy. It similarly determines possible adverse effects on the integrity of European sites (Special Areas of Conservation and Special Protection Areas) as a result of the policies within the LDP. This assessment also includes Ramsar sites under the provisions of the Ramsar Convention. Please refer to the full HRA document for full details.

8.0 Equality Impact Assessment

- 8.1 Section 75 of the Northern Ireland Act 1998 requires that public authorities have due regard to the need to promote equality of opportunity and good relations between persons of a particular religion, political opinion, race, age, marital status, sexual orientation or gender. It also includes people with disabilities or those with primary responsibility for the care of a dependant, such as an elderly person. These are known as ‘Section 75’ groups.
- 8.2 The policies contained within the Minerals Chapter have been subject to an equality impact assessment (EQIA) to ensure no adverse impact on these groups.
- 8.3 Areas that are constrained/ protected for mineral development could have differential impacts on the Section 75 groups Religious Beliefs and Political Opinion. These restrictions are usually specific and are related to the intrinsic value of site and therefore there is little scope in terms of choosing alternatives. The Council is therefore satisfied that there will be no significant adverse impact on any Section 75 groups as a result of the Minerals Policies.

9.0 Rural Needs Impact Assessment

- 9.1 The Rural Needs Act 2016, requires District Councils and other Public Authorities to have due regard to rural needs when developing, adopting, implementing or revising policies, strategies and plans, and when designing and delivering public services.
- 9.2 To ‘have due regard’ means that a public authority must consciously consider the needs of people in rural areas. How much ‘due regard’ depends on the circumstances and, in particular, on the relevance of rural needs to the decision or function in question. The greater the relevance and potential impact for people in rural areas, the greater the regard required by the duty.
- 9.3 Throughout the formulation of the draft Plan Strategy, there has been consideration of the impact of each policy approach on the rural area, relative to the urban area and policies have been amended where it was deemed appropriate to do so.
- 9.4 While Minerals Development delivers economic benefits to the rural area through employment, there are also a number of challenges arising from this form of development. Specific proposals can have adverse impacts on the environment and on the amenity and well-being of people living in proximity to operational minerals sites. This presents a challenge because minerals can only be extracted from sites where they occur, and there may be limited opportunities for consideration of alternative sites. This has an even greater impact in the rural area as minerals deposits are normally found in rural areas. In our District, the predominant raw mineral is sand and gravel, which is normally found in river valleys in rural locations.
- 9.5 Given that there is little scope to in terms of avoiding the rural area in relation to minerals development, the LDP has considered that mitigation and restoration measures as set out in MIN 1 and MIN 5 are the only reasonable measures that the LDP can take to offset any negative impacts that arise for rural dwellers.

10.0 Appendices

Table 1: Mineral Prospecting Licenses 2007 to 2022

Year	Licence no. / Applicant
2022	DG 1/22 Dalradian Gold Ltd DG 2/22 Dalradian Gold Ltd
2016	DG 5/16 Dalradian Gold Ltd DG 6/16 Dalradian Gold Ltd MCT/16 Mountcastle Trust
2014	DG 1/14 Dalradian Gold Ltd
2011	OM 4/11 Omagh Minerals DG 3/11 Dalradian Gold Ltd DG 4/11 Dalradian Gold Ltd
2010	OM 4/10 Omagh Minerals
2009	DG 3/09 Dalradian Gold Ltd DG 4/09 Dalradian Gold Ltd
2008	DG 1/08 Dalradian Gold Ltd MR 1/08 Metallum OM 2/08 Omagh Minerals OM 3/08 Omagh Minerals
2007	MR 11/07 Metallum and two License extensions for Dalradian Gold Ltd

Source: Department for Economy (DfE)

Table 1a: Mineral Prospecting Applications

Year	Licence no. / Applicant
2021	MPLA1/22 (formerly DG5/16) Dalradian Gold Ltd MPLA2/22 (formerly DG6/16) Dalradian Gold Ltd

Source: Department for Economy (DfE)

Table 2: Industry of Employment

Area	All usual residents aged 16-74 in employment	Percentage of all usual residents aged 16-74 in employment who work in:							
		Agriculture, forestry and fishing	Mining and quarrying	Manufacturing	Electricity, gas, steam and air conditioning supply	Water supply; sewerage, waste management and remediation activities	Construction	Wholesale and retail trade; repair of motor vehicles and motor cycles	
Northern Ireland	795,263	2.24	0.25	9.69	0.44	0.73	8.18	17.53	
Derry and Strabane	55,612	2.38	0.20	8.86	0.40	0.76	7.89	18.13	

Source: NISRA – Census 2011 Key Statistics Summary Report

Table 3: Northern Ireland Employee Jobs(Unadjusted) by Industry Section – December 2021

Industry Section	MALES			FEMALES			All Persons
	Full time	Part time	Total	Full time	Part time	Total	Total
Mining and quarrying	1,770	60	1,830	200	60	260	2,090

[Source: DfE – December 2021](#)

Table 4: Quarry Value and Tonnage Extracted per Council District

<u>Council</u>	<u>Quarry Value</u>	<u>Tonnage extracted</u>
Antrim and Newtownabbey	£240,184.00	95,311
Armagh Banbridge and Craigavon	£7,606,409.00	1,658,101
Belfast	No return	
Causeway Coast and Glens	£3,375,028.00	941,073
Derry and Strabane	£828,096.00	295,796
Down and Ards	£5,489,523.57	2,194,187
Fermanagh and Omagh	£6,242,208.00	1,627,131
Lisburn and Castlereagh	£4,432,005.00	1,535,151
Mid and East Antrim	£13,697,997.00	1,699,577
Mid Ulster	£5,348,772.26	1,680,251
Newry and Mourne	£3,109,281.00	834,818
	£50,369,503.83	12,561,396

Notes:

The details in this table is based on the last recorded mineral statement collected by DfE 2011. The information does not represent the full value of aggregates to any of the council areas as not all operators completed a return for the year. The operator information is believed to be correct for the time of the return – changes in ownership may have occurred in the intervening time.

Source: QPANI

Table 5: Quarries located within the Derry City and Strabane District

Pit Name	Alternative	Parent Pit	Easting	Northing	Translation	Operator	Value	Weight (tonnes)
Letterbrat		4392	24718 0	392195	Active	W G Ballantine		
Gortree Quarry	Gorticross Upper, Gorticross	0	24860 5	417150	Active	A S Ballantine Ltd		
Aughafad Quarry		0	24800 0	399200	Active	A S Ballantine		
Moyagh Quarry	Moyagh Sand Pit	0	24050 0	404700	Active	W & J Chambers		
Montcastle Quarry		0	24127 3	405350	Active	W & J Chambers		
Lisbunny Quarry		0	25226 0	403990	Active	W & J Chambers		
Mobuoy Quarry		0	24760 0	417400	Active	City Industrial Waste Ltd		
Claudy		148728	25488 0	409190	Active	Claudy Building Stone Quarry		
Gorticrum Quarry		4433	24010 5	399660	Active	Devines Sand & Gravel		
Ballyheather Quarry		0	23841 0	404295	Active	Gregory Donnelly		
Ardstraw Quarries Extension	Urbalreagh, Ardstraw West	31698	23532 5	387860	Active	Tony Harley & Sons Ltd		
Ardstraw Quarries	Urbalreagh, Ardstraw West	0	23550 0	388190	Active	Tony Harley & Sons Ltd		
Old Deerpark Quarry	Woodhills	0	23811 5	385820	Active	Thomas Kane & Sons		
Donemana Quarry	Dunnamanagh	0	24498 5	405000	Active	Wm McLaughlin & Sons Ltd		
Gilky Hill Quarry		0	25704 0	405290	Active	T O'Connell		
Barton Woods Quarry	Woods No 1	0	24061 5	405055	Active	J O'Connor & Sons		
Riddles Bros Gravel Pit	Riddles Bros's Ltd	31696	24505 5	402425	Active	Riddles Brothers		
Riddles Bros	Riddles Bros's Ltd	0	24517 5	402650	Active	Riddles Brothers		
Alla No. 1 Quarry	Alla Sandpit	0	25380 0	406000	Active	Robert Robinson & Son		
Alla No. 2 Quarry	Alla Sandpit	0	25350 0	406100	Active	Matthew Robinson & Son		
Derg Road Gravel Pit Extension	Mulvin Road Pit	149204	23597 0	387975	Active	Unknown Operator		
Mulvin Road Gravel Pit		149202	23605 0	388475	Active	Unknown Operator		
							£828,096	295,796

Source: QPANI 2015

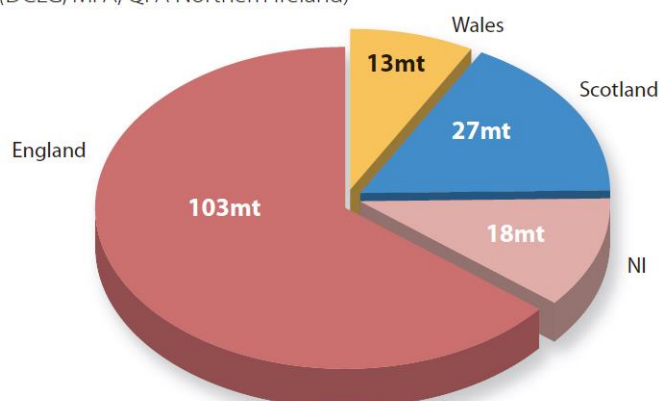
Table 6:
Reported mineral production in Northern Ireland 2020
(Mined under the Mines Act 1969 and Quarries (NI) Order 1983).

MINERAL	QUANTITY REPORTED (TONNES)	QUANTITY REPORTED (TONNES)	SELLING VALUE (£)	SELLING VALUE (£)
	2020 (85 returns)	2019 (77 returns)	2020	2019
Basalt and Igneous Rock (excluding Granite)	3,108,850.00	3,162,418.00	£13,474,930.40	£13,940,528.04
Sandstone	4,345,525.00	4,514,920.00	£20,885,586.91	£19,265,789.34
Limestone	2,861,395.57	2,663,688.00	£10,756,496.27	£8,884,245.75
Sand and Gravel	2,500,923.46	2,290,495.59	£12,776,876.05	£10,012,460.60
Other	781,924.59	752,311.00	£11,876,995.48	£9,903,128.74
TOTAL	13,598,618.62	13,383,832.59	£69,770,885.11	£62,006,152.47

Source: DfE

Fig 1

UK Primary Aggregates Production, 2013 (million tonnes)
(DCLG, MPA, QPA Northern Ireland)

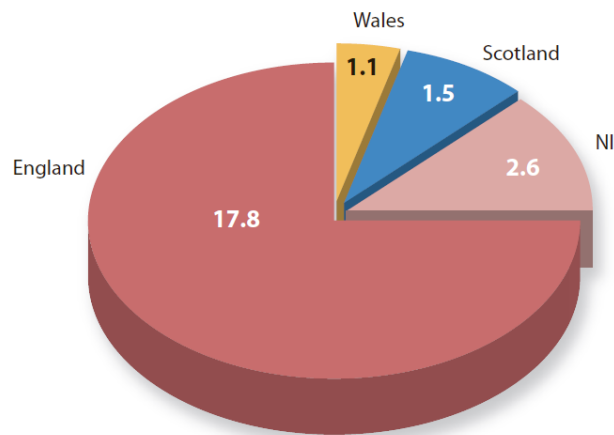


Source: Mineral Products Association

Fig 2

UK Ready-mixed concrete production, 2013 (million cubic metres)
 (MPA, QPA Northern Ireland)

NB Estimates for England, Scotland & Wales based on the assumption that MPA sales represent 75% of the total GB market for ready-mixed concrete.

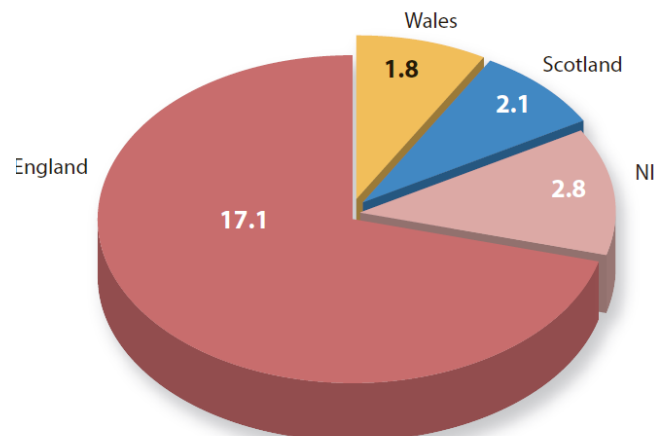


Source: Mineral Products Association

Fig 3

UK Asphalt production, 2013 (million tonnes)
 (MPA, QPA Northern Ireland)

NB Estimates for England, Scotland & Wales based on the assumption that MPA sales represent 90% of the total GB market for asphalt.



Source: Mineral Products Association

Examples of Semi-dormant / Former Quarries in the District:

Image 1: Letterbrat Quarry, Plumbridge



Source: Spatial NI

Image 2: Baronscourt Road, Newtownstewart



Source: Spatial NI

Image 3: Strahans Road, Strabane



Source: Spatial NI

Image 4: Longland Road, Claudy



Source: Spatial NI

Map 1: District Map of Current Environmental Designations and Quarry Locations

