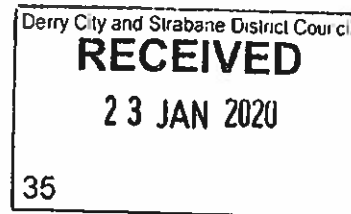


From: [REDACTED]
Sent: 23 January 2020 14:27
To: Local Development Plan
Subject: MPANI Submission to Derry Strabane Draft Plan Strategy
Attachments: Final MPANI Submission to Minerals Section of Derry Strabane dPS January 2020.pdf

Please find attached copy of the MPANI Submission to the Derry Strabane draft Plan Strategy. I would be grateful if you could acknowledge receipt by return email.

[REDACTED]
Regional Director

T: 02890824078 E: info@mpani.org W: www.mpani.org
Mineral Products Association (Northern Ireland) Ltd, Unit 10 Nutts Corner Business Park, Dundrod Road, Crumlin, Co Antrim, BT29 4SR



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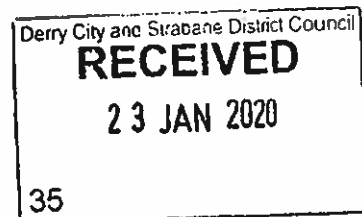
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Northern Ireland
essential materials
sustainable solutions

**MPANI Response to Minerals Section of the Derry Strabane District Council
Preferred draft Plan Strategy**

January 2020



Background

MPANI welcomes the opportunity to comment on the Derry Strabane Council Draft Plan Strategy. This response focuses fully on the sections dealing with Minerals Development.

The MPANI is the principal trade association for the quarrying and mineral products industry in Northern Ireland affiliated to the Minerals Products Association (MPA) in the UK. Members of the MPANI produce over 95% of the Northern Ireland's primary aggregates, as well as the major proportion of other construction materials such as asphalt, ready mixed concrete, recycled and secondary aggregates, lime and silica sand.

Modern industrial society is, quite literally, built upon mineral products. Whether it is our physical built environment, our transport links or the wider infrastructure on which we all rely, aggregates are utterly essential to economic growth. If we want to improve the lives of people in Northern Ireland, it is vital that the contribution of our local quarrying and minerals industry is fully understood by those with the power to support it.

Local Industry to meet Local Need

Councils have resources literally beneath their feet that need strategic, and sympathetic usage. To fail to consider this is to throw money away. The aggregates industry in Northern Ireland directly employs some 5000 people, produces approximately 24 million tons of aggregates per year and has a turnover of around £650 million per year (2% of NI GDP). Quarrying is a varied industry, with the majority of NI quarries family owned, alongside a number owned by large multinational companies. Regardless of who owns them, however, quarries are predominantly a rural business, supporting jobs in areas identified by Government as targeting social need (TSN).

We all need mineral products. We need them for construction and for manufacturing, with each of us in Northern Ireland using more than 14 tonnes of aggregates per year, on average. Local industry offers sustainable solutions to the challenges of creating and maintaining our built environment, coping with climate change and providing for a growing population.

Each house that we build will require around 60 tonnes of stone. When you add that to the materials required to construct our roads, paths, water and sewage infrastructure you need to ask yourself "Where within our local area will those materials come from?"

Minerals in Derry Strabane

Minerals, by their nature, can only be extracted where they are found. What this means that the mineral holdings within your district may represent a competitive advantage for local businesses. Derry and Strabane produces psammite, a form of sandstone used in construction, and is a producer of sand and gravel.

Quarrying holds an important place in Derry and Strabane's economy, with more than 250 people employed by the mineral products industry in the district contributing £ 4,500,000 in wages to the local economy. Derry and Strabane quarries produce around 1.6m tonnes of raw materials annually and when this is manufactured into concrete and asphalt materials it is worth £23,500,000 to the districts economy.

Another economic contribution that the Draft Plan Strategy fails to recognise is the significant contribution the minerals sector makes to the Councils Rates Income. MPANI estimates the combined rates income from our Industry in Derry Strabane is in excess of £110,000.

Members of the MPANI operating within the Derry Strabane Council Area are;

Comments on the draft Plan Policy

MPANI welcomes the Councils recognition 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. The Councils objectives set out within the Local Development Plan, particularly on 9000 new homes up to 2032, retail development, water and sewerage upgrades, roads and footpath maintenance, climate change resilience, tourism development, sports infrastructure and agriculture will all require a readily available supply of local aggregates and construction materials.

MPANI recognises that while there are certainly significant economic benefits to mineral extraction and production, our industry also, if not managed and regulated appropriately, can create significant challenges, including impact on the environment, visual implications and impact on the amenity of local residents. That is why we as an Association wish to see a truly level playing field for all operators working in a responsible, well-regulated and importantly valued Industry.

We further welcome the Councils aim to have a balanced approach between identifying Areas of Mineral Constraint and promoting Mineral Reserve Areas. However it is our strongly held view that Areas of Mineral Constraint should be based on accurate information that includes not only landscape and habitat value but also consider the economic and social importance of the mineral and aggregate value in the ground. We support the view that the detailed boundaries of Area of Constraint on Mineral Development (ACMDs) and Mineral Reserve Areas (MRAs) be left until the LDP Local Policies Plan (LPP) stage when more detailed and accurate mineral production, sales and reserves information will be available.

Policies for Minerals Development

MPANI are content with the Councils Application of MIN 1.

13.10 ; The Natural Environment

It should be noted that extensions to existing mineral sites are the norm in Northern Ireland. As such these extensions follow the normal planning process and as such will require pre application discussions, environmental impact assessment together with technical reports.

However, where old permissions on dormant sites are reactivated this creates significant problems. The majority of the Minerals Industry in NI is strictly controlled and has to meet high standards of environmental performance set by Government and the Planning Service. Unfortunately due to planning legacy issues and the failure to bring forward legislation in relation to the Review of Old Mineral Planning Permissions (ROMPS) existing and recently reactivated sites operating on old permissions in which there are no or limited environmental conditions. It is the MPANI view that the Department of Infrastructure along with the Planning Departments of the local Councils need to bring forward the necessary legislation to enact the implementation of ROMPS as soon as possible. Such a move will

1. Ensure that every mineral operation is governed by modern environmental conditions.
2. Ensure a level playing field for all operators in Northern Ireland.
3. Give added protection to the environment and protect the amenity of those living close to mineral operations.

MPANI would NOT support the Councils assertion that "*Minerals Development within, in close proximity or with a pathway to areas such as Areas of Special Scientific Interest (ASSI), National Nature Reserves (NNR) and Special Areas of Conservation (SACs) which have been declared or proposed for declaration on the basis that their scientific value in regard to flora and fauna will not normally be given permission where they would prejudice the essential character of such areas, Earth Science features which underpin AONB designations will also be protected from mineral development*"

There is a significant body of evidence showing the positive contribution that mineral workings, both in the active stage and after use can make to the protection and enhancement of our Biodiversity. Most expert opinion would contend that an active quarry, when properly managed can have significantly more biodiversity value than agricultural land and in many cases enhance neighbouring designations particularly when restored. Over 700 ASSIs across the UK were previously minerals sites. In Northern Ireland we have a number of nature reserves that were previously quarries. We also have an ASSI designation for an earth science feature in Co Tyrone that is within an active quarry.

13;11 Historic Environment

All new Mineral Planning Applications should be accompanied by an archaeological assessment. MPANI work closely with the Historic Environment Division (HED) in the Department for

Communities. The Mineral and Aggregates Industry has the potential to impact negatively on historic environments and cultural assets. However in recent years Mineral Planning applications have included a requirement to investigate possible archaeological remains on proposed quarrying land. To address this and to mitigate any possible loss of archaeological heritage the Quarry Industry through MPANI agreed a "Memorandum of Understanding" with the HED in the Department of Communities.

13.12 Landscape and Visual Amenity

While MPANI would support the protection of a designated landscapes of scientific or natural heritage significance, as mentioned in 13.10 above, when a proposal for mineral extraction is well designed, conditions enforced and an appropriate restoration scheme in place then most impacts will be reduced significantly and in fact Net Gain and improved Natural Capital achieved.

13.15 Water Environment

If not managed to high standard minerals and aggregates extraction sites can have a detrimental effect on local water quality. However the quarry industry in Northern Ireland has invested significant time and financial resources into Water Management best practice. The Industry has worked closely with NIEA Water Management unit to produce modern guidance on the "Wise Use of Water" that has resulted in a significant improvement in performance and high levels of compliance. To view the guidance document go <https://www.daera-ni.gov.uk/publications/guidance-wise-use-water-aggregates-and-quarry-products-industry>

13.16 Public Safety, human health and amenity of people living or working nearby

MPANI recognises and supports the need to protect public safety, human health and amenity of people living or working nearby. Most mineral sites, particularly hard rock quarries, have been established in their local areas for many years. It is therefore important that Councils protect the sustainable operation and employment on the site from ingress and possible sterilisation by other forms of development including housing.

13.20 – 13.22 Road Safety and convenience of road users

MPANI are content with these proposals.

MIN 2 Areas of Constraint on Minerals Development (ACMDs)

As stated previously and also in our submission to the Preferred Options Paper MPANI contended that Areas of Mineral Constraint should be based on accurate information that includes not only landscape and habitat value but also consider the economic and social importance of the mineral and aggregate value in the ground. We believe that if there are important aggregate and mineral reserves within ANOBs or any other designated area that are vital to the economy then extraction should be permitted under certain conditions that ensure that the works are carried out to the highest standards and that robust restoration plans are put in place to ensure that the activity has minimal effect on the landscape characteristic of the local area and that what the site is restored to can actually add to the landscape and the amenity of the local Community. We would highlight the

fact that most of the English mineral development is in the peak district National Park that is clearly an ANOB.

We support the Councils decision to define detailed boundaries of ACMDs and MRAs in the LDP Local Policies Plan. We applaud the Council for stating that the detailed boundaries of ACMDs *"will be undertaken using the most up to date available geographical and mineral resource information"*

13,25 MPANI welcome the position the mineral applications within an ACMD will be assessed on a case by case basis.

MIN3 Mineral Reserve Areas

MPANI support the Councils position on Mineral Reserve Areas.

MPANI support the decision that detailed boundaries of MRAs will be identified at the Local Policies Plan stage.

MIN 4 Valuable Minerals

MPANI would contend that whilst the recognition that a valuable minerals policy is needed is welcomed we are opposed to the draft policy wording as it is in direct conflict with the SPPS. The SPPS, paragraph 6.157 states:

"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."

It is clear from the SPPS, that there will be no presumption against the extraction of valuable minerals in any location, however as drafted, Policy MIN 4 states:

"Applications to exploit minerals, limited in occurrence and with some uncommon or valuable property, will be considered on their merits. There will not be a presumption against their exploitation in any area apart from within designated Special Countryside Areas."

Draft Policy MIN 4 is clearly introducing a presumption against valuable mineral development within SCA's which is a direct conflict with the SPPS and would fail soundness test C3. This is a fundamental flaw to the draft Policy and it goes against regional planning policy. We recommend that the draft policy is reworded as follows:

"Applications to exploit minerals, limited in occurrence and with some uncommon or valuable property, will be considered on their merits. There will not be a presumption against their exploitation in any area."

MPANI would contend that the Councils proposals on MIN 4 are UNSOUND and INCONSISTENT.

MIN 5 Restoration

MPANI support and are strong advocates for appropriate and valuable restoration of minerals sites. Quality restoration of former mineral sites has created some world class examples of wildlife habitats, recreation, economic and of course agricultural development. We would suggest that a wider list of options for restoration proposals is offered to allow for other sustainable development opportunities.

- creation of new habitats and biodiversity;
- use for agriculture;
- forestry;
- recreational activities;
- waste management, including waste storage
- built environment, such as residential, industrial and retail where appropriate.

We do **NOT** support the Councils proposed approach on the use of financial bonds to ensure adequate and appropriate restoration in line with approved planning conditions. It is the MPANI view this does not meet the soundness, coherence and consistency tests.

We would suggest example the wording and approach we want to see is “Council will require a financial guarantee in the form of a bond where there are legitimate concerns over an operators financial security, or where the progressive restoration of the site is not being implemented in line with previous planning conditions and/or a planning agreement.”

We believe this policy the Council is proposing is **UNSOUND** and **INCONSISTENT** as it does not align with policy as outlined in the SPPS. We would contend that Derry Strabane Council are proposing this as a result of their experience with the Moubuoy Waste site. There are numerous examples around the Derry Strabane Council area of excellent restoration of sand and gravel sites and we would be happy to take Council officials and Councillors to see them

We believe that if Council were to proceed with making a financial bond a condition of planning permission then they would immediately impact the financial sustainability of responsible operators who restore their sites in line with planning conditions and good practice. Introducing a requirement for a financial bond will not cure the mistakes of the past and the legacy mineral sites that have not been restored and have been so for decades. These additional costs created by a financial bond would make mineral extraction in Derry Strabane unviable and more expensive compared to other Council areas including Donegal in the Republic of Ireland.

The way to ensure appropriate restoration is having responsible operators, appropriate restoration planning conditions that are adequately regulated and policed. The introduction of the Review of Old Mineral Planning Permissions (ROMPS) will assist in this.

Conclusions

MPANI look forward to building on the working relationship that we have with the Council. We will continue to work with and encourage our Members in the Derry Strabane Council Area to provide

important production and resource information to enable the Council to develop supply and demand scenarios over the Plan period so that we have a truly sustainable minerals sector and one that ensures we supply the products, services and jobs to help sustain the local economy.

It is our opinion that if the changes and recommendations we have proposed above are adopted by Council then the Minerals Policy set out in the Plan Strategy is Consistent, Sound and Coherent. .


Regional Director MPANI

