Derry City & Strabane District Council

Comhairle Chathair Dhoire & Cheantar an tSratha Báin

Derry Cittie & Stràbane Destrick Cooncil

DERRY CITY & STRABANE DISTRICT COUNCIL

LOCAL DEVELOPMENT PLAN (LDP) 2032

PLAN STRATEGY

Supplementary Planning Guidance (SPG) – Mineral Restoration Bonds

DRAFT – June 2025

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(SPG)

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1. Purpose of the guidance

1.1 This guidance has been produced to supplement policies of the Derry City and Strabane District Council (DCSDC) Local Development Plan (LDP) 2032, relating to minerals in particular restoration bonds and is part of a suite of Supplementary Planning Guidance (SPG). It applies to the Derry and Strabane Council area, and is intended for use by developers, agents, the public and by planning officers in the preparation and assessment of planning proposals.

1.2 SPG represents non-statutory planning guidance that supports, clarifies and/or illustrates by example the policies included within the current planning policy framework, including development plans and regional planning guidance. The information set out in this SPG should therefore be read in conjunction with other extant planning policy, most notably the Strategic Planning Policy Statement (SPPS) for Northern Ireland and the DCSDC LDP Plan Strategy 2032. It should also be read as complementary to other retained or emergent SPG, including development management practice notes (DMPN) and design guides.

1.3 The guidance is intended to be of particular benefit for those considering minerals development proposals. The aim of the guidance is to enable developers, landowners, agents, members of the public and any other interested parties to understand how the Council considers development proposals and the standard of provision sought.

2. Restoration bonds/ financial guarantees

2.1 Mineral extraction is considered in planning terms as a temporary land use, although it can last a number of years, or decades. The nature of minerals development means that it may be difficult to avoid or mitigate all effects satisfactorily. MIN 5 will help to ensure that restoration will occur, which may help to offset some of these effects. Development which is temporary should always have an approved scheme for restoration and aftercare and an agreed end date by which this will have been implemented.

2.2 In this context these terms are defined as:

- Restoration means operations associated with the winning and working of minerals and which are designed to return the area to an acceptable environmental condition, whether for the resumption of a former land use or for a new use; and
- Aftercare means the use that land used for minerals working, is put to after restoration.

2.3 To ensure that restoration and aftercare proposals are carried out, the Council will normally require developers to provide a financial guarantee bond or make other financial provision, of a sum to be agreed with the Council, to cover any failure to implement restoration proposals in accordance with the conditions imposed on the grant of planning permission. The financial guarantee bond or other financial provision will be made before permission is granted.

2.4 A Restoration Bond is a type of Performance Surety Bond. A surety is a promise or agreement made by one party that debts and financial obligations will be paid. In effect, a surety acts as a guarantee that a person or an organization assumes responsibility for fulfilling financial obligations in the event that the debtor defaults and is unable to make payments.

2.5 This particular type of bond is required by local Councils and government agencies that issue permits and planning permissions for mineral operations. This type of bond is typically a requirement for a business that is seeking a permit to start mining or other related operations at a specific site. It provides a financial guarantee that the land being disturbed for the operation of the mine, or related activity, will be returned back to either its approximate original state or an acceptable condition agreed upon.

2.6 Restoration costs vary greatly depending on what type of operation is being conducted and the degree of impact on the land. And so, land restoration cost considerations include, but are not limited to, such tasks as:

- Groundwater restoration
- Equipment removal & disposal
- Building demolition & disposal
- Topsoil replacement
- Re-vegetation
- Land reprofiling and the creation of waterbodies
- Path and access creation, fencing.

2.7 As explained, this type of bond is put in place to guarantee that the land affected by mineral development, is returned back to its pre-commencement physical state or an agreed acceptable condition. In the instance where an operator does not perform the

land restoration, the Surety (the company providing the guarantee behind the bond) may be called upon to uphold its financial responsibility to fulfil the Restoration Bond.

2.8 Typically, the Surety would either be able to pay out on the bond or manage the land restoration operation themselves. In either instance, the operator is responsible for the financial expense incurred by the Surety. A Restoration Bond is not insurance and does not work like insurance. The operator is ultimately financially responsible for the land restoration.

3. Policy context

Regional Planning Policy and Guidance

Regional Development Strategy (RDS) 2035

3.1 The Regional Development Strategy (RDS) 2035 provides an overarching strategic planning framework to facilitate and guide the public and private sectors. The RDS contains guidance to provide policy direction in relation to the economy, society and environment and spatial framework guidance tailored to each component of the spatial planning framework. It sets the context in which to make policy and development decisions in order to achieve sustainable development throughout the region.

3.2 There is no reference to minerals or restoration bonds set out within the RDS 2035.

Strategic Planning Policy Statement (SPPS) for Northern Ireland (2015)

3.3 The Strategic Planning Policy Statement (SPPS) identifies core principles to inform plan-making and decision-taking. 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. The regional strategic objectives for minerals development in relation to restoration is to secure the sustainable and safe restoration, including the appropriate re-use of mineral sites, at the earliest opportunity.

3.4 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 following operations. Such provisions must be underpinned by appropriate conditions attached to any grant of planning permission.

3.5 The Strategic Planning Policy Statement (SPPS) identifies core principles to inform plan-making and decision-taking. 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. The regional strategic

objectives for minerals development in relation to restoration is to secure the sustainable and safe restoration, including the appropriate re-use of mineral sites, at the earliest opportunity.

3.6 In line with this objective , planning applications should be required to provide adequate details demonstrating the satisfactory restoration of sites on completion of operations. Such provisions must be underpinned by appropriate conditions attached to any grant of planning permission.

3.7 SPPS para 6.161 states that "applications for the extraction of minerals must include satisfactory restoration proposals. The preferred types of reclamation and after use depend on a number of factors, including, the characteristics of the deposits, nature of excavation, availability of fill materials, the surrounding landscape, the needs of the local community and the potential for nature conservation on the site". Furthermore, minerals developments can secure biodiversity net gain and the inclusion of this in the PS justificatory and amplificatory text at para 13.35 rightly acknowledges this. The inclusion of this text in the PS is consistent with the SPPS and builds on the requirement in the SPPS to encourage sustainable minerals development.

Local Planning Policy

Plan Strategy

3.8 The use of restoration bonds is a new policy requirement, which will be used to ensure that the Council achieves effective compliance.

3.9 Policy MIN 5 Restoration states that planning permission for all **new** minerals development will be conditional upon the satisfactory restoration of proposals. All application for minerals development must be accompanied by satisfactory proposals for:

- the progress and final restoration of sites and proposed future land use;
- timescales for completion of restoration, including details of individual phases where a progressive scheme is proposed;
- aftercare arrangement once restoration is complete; and
- site management and security arrangements during and after the process of restoration.

A restoration bond or other financial provision, such as a **Restoration Guarantee Fund**, will be required to ensure full reinstatement of the site. Should the developer fail to implement the previously agreed restoration plan, the Council will utilise the bond to ensure full site restoration.

Restoration Bonds (Section 76 agreements) will be applied to ensure that appropriate restoration takes place on the proposed development site, to be done on a phased basis and progressively implemented, during extraction and also after the

minerals resource is exhausted. The arrangements for a financial restoration bond or other financial provision will be made before permission is granted. This may be through an established mutual funding scheme such as a Restoration Guarantee Fund or through a bond scheme administered by the Council. During the restoration of minerals sites, all materials used should generally be overburden and materials taken from within the site. Where necessary, a small amount of inert waste can be used to fill and restore the site if agreed in the consent.

3.10 The Council will also require the restoration old / existing quarries through the Review of Old Minerals Permissions (ROMPs),as per Section 129 of the Planning Act (Northern Ireland) 2011, when the ROMPs legislation is enacted. The Council will work proactively with the local minerals industry to ensure sustainable and environmentally responsible minerals production, using our enforcement and legislative powers to ensure compliance in accordance with the Council's Enforcement Strategy.

4. How will restoration bonds/ financial guarantees operate?

4.1 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 will reduce the risk of long term unsightly impacts on the landscape.

4.2 As part of planning applications, under Policy MIN 5, the Council will require developers to submit detailed restoration plans including:

- an assessment of the existing landscape and ecological features / habitats and a practicable scheme showing how the reclaimed site will be assimilated into the landscape;
- details of phasing, filling, landforms, drainage, pollution prevention measures, soil management, landscaping, and arrangements for public access, if appropriate;
- measures to improve the landscape such as new woodland planting and landscape features and measures to create wildlife habitats to add value to the locality, including wetland areas;
- community engagement; and
- arrangements for an aftercare scheme for the site.

4.3 The type of restoration required will depend upon a variety of factors including what the desired land use or after-use is, as well as the type of mineral that has been quarried. For example, the site could be restored for a variety of purposes, including:

- Agricultural land or wildlife habitat including wetland creation
- Social amenities / open space
- Combined wildlife and social amenities, open space
- Housing
- Leisure and recreation

- Flood storage
- Business or commercial properties.

4.4 A restoration bond / financial guarantee will be applied to all new planning permissions for minerals under a planning agreement (using Section 76). This section of the Planning Act (Northern Ireland) 2011 allows the Local Council planning department to enter into a **legally binding agreement** with a landowner as part of the grant of planning permission for a development. As a result, a Restoration Guarantee Fund or a bond scheme administered by the Council will be set up to ensure that there will be sufficient funds to complete the full site restoration after works have ceased. In summary the landowner / operator will be signing a legally binding financial agreement that the agreed restoration of the site will be completed regardless of their financial standing at the time of restoration works.

5. Biodiversity

5.1 Biodiversity is the variety of plant and animal life in the world or in a particular habitat, a high level of which is usually considered to be important and desirable. Biodiversity includes not only species we consider rare, threatened, or endangered but also every living thing, from humans to organisms we know little about, such as microbes, fungi, and invertebrates.

5.2 Biodiversity and its maintenance are crucial for sustaining life on earth. Every species has a specific role in an ecosystem. They capture and store energy and produce and decompose organic matter.

5.3 The ecosystem supports the 'services' without which humans cannot survive such as pollination, seed dispersal, climate regulation, water purification, nutrient cycling, interception of flood water, flood storage, shading by trees and control of agricultural pests.

5.4 Mining has the potential to affect biodiversity , both directly and indirectly. Direct or primary impacts from mining can result from any activity that involves land clearance (such as access road construction, exploration drilling, overburden stripping or tailings impoundment construction) or direct discharges to water bodies (riverine tailings disposal, for instance, or tailings impoundment releases) or the air (such as dusts or smelter emissions).

5.5 Mineral sites have the potential to enhance biodiversity at the end of their working lives through restoration. Each restored site is an opportunity to create a better landscape, where rare and endangered species can thrive – from wetlands to heathland to woodland. Enhancing biodiversity can also be of benefit to development proposals. It can enhance the aesthetics of a development and support local climate change adaptation such as flood mitigation through the planting of trees and vegetation. Incorporating SuDs can also help in dealing with surface water. Improving a site's natural assets can help to improve the health and wellbeing of occupiers making developments more attractive to prospective end users.

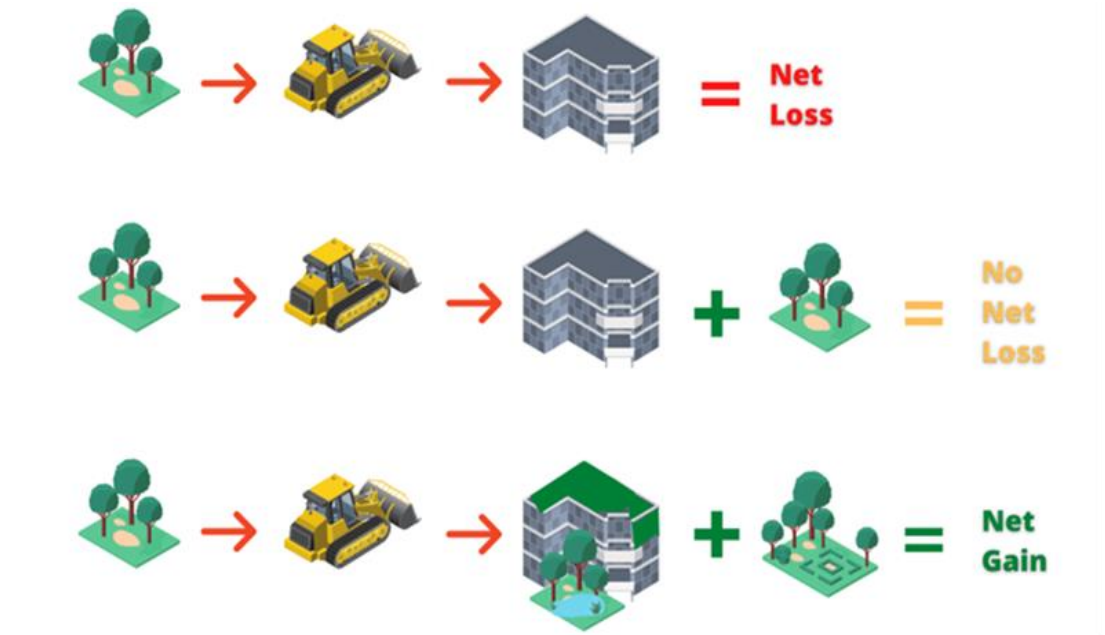
5.6 In addition, good biodiversity management can bring benefits to mineral companies, including:

- increased investor confidence and loyalty;
- shorter and less contentious permitting cycles, as a result of better relationships with regulatory agencies;
- improved community relations;
- strong supportive partnerships with NGOs;
- improved employee motivation; and
- reduced risks and liabilities.

5.7 The Council would encourage the use of best practice guidance such as the RSPB publication, 'Habitats Creation for Minerals Industry'.

6. Biodiversity Net Gain

6.1 Biodiversity net gain describes an approach to development which requires that habitats for wildlife must be left in a measurably better state following development. Existing habitats and natural features should be safeguarded wherever possible and sometimes extended or improved as part of a development or project. Foraging, nesting and roosting opportunities can be provided as part of site landscaping. Development should be designed in a way that provides benefits to people and nature and reduces its impacts on the wider environment.



7. Examples of Biodiversity enhancement opportunities through mineral development.

7.1 Biodiversity enhancement is a process of improving the ecological condition and diversity of a site (or an alternative site). Below includes a list of biodiversity enhancement ideas that could be incorporated through mineral development, particularly at the restoration stage. This is not an exhaustive list.

- Woodland
- Healthland
- Grassland
- Wetlands
- Ponds
- Reedbeds

- Wildflowers
- Green Buildings
- Bird and Bath boxes

7.2 Mineral sites which are restored to heathland, reed bed, woodland or wet grassland can result in untold benefits for invertebrates, aquatic plants, birds and mammals. Similalrly sites restored to an agricultural end-use can also benefit nature when biodiversity features are included.

APPENDIX 1
Case study examples

Nosterfield Nature Reserve, Yorkshire, England

Nosterfield Nature Reserve is 150 acres of wet grassland and open water situated between the Rivers Ure and Swale in North Yorkshire, England. This site operated as a quarry until the late 1980s. It was designated a nature reserve in 2001 and is the only Local Nature Reserve (LNR) in Hambleton District.

It is generally regarded as North Yorkshire's premier wetland grassland; however, it is the underlying magnesian limestone and its associated aquifer which makes the location special.

Three purpose-built hides allow the public to watch wildlife at close quarters and each is connected by a pedestrian walkway which is fully accessible for those with mobility issues. Birds (particularly passage and breeding waders and wildfowl, including rarities), flowering plants, butterflies, moths, dragonflies, fungi - over 2,000 taxa have been recorded. Visitors are asked to submit their records (logbook in main hide or via BirdTrack etc.) Series of geo-caches on site.

'Our Well Wetlands project' was dedicated to restoring and creating new species-rich, priority habitats and sharing more of this incredibly special place with the public.

Thanks to a team of talented volunteers and generous support from The National Lottery Heritage Fund, the Well Wetlands project was completed in February 2021.

Fairburn Ings, Yorkshire, England

Nestled between Leeds, York and Wakefield, Fairburn Ings in West Yorkshire is an exciting site for family activities and excellent wildlife watching. Over the last 60 years, Fairburn Ings has transitioned *"from coal face to wild place"*. An ex-industrial site rich in heritage, this reserve is now an important site for breeding and wintering wildfowl. It was designated a local nature reserve in 1957 under the National Parks and Access to the Countryside Act (1949). Since the late 1970s it has been managed by the Royal Society for the Protection of Birds (RSPB) on behalf of the local naturalists who set it up.

Collapsed land is now open water, reedbeds, wet grasslands and wet woodlands. Former coal spoil tips have been transformed into grasslands and deciduous woodlands and lagoons teem with life. In recent years the reserve has become home to some of the UK's rarest birds, including Bittern, Bearded Tit, Cetti's Warbler, Little Egret and Spoonbill.

Beach Road Nature Reserve, White Head Co. Antrim

Located at an old disused quarry, Beach Road Nature Reserve is located in the seaside town of Whitehead and is owned and managed by Mid and East Antrim Borough Council. In 2008 the local community group 'Brighter Whitehead' received a grant from Better Belfast to make substantial environmental improvements to the reserve.

This site is home to a wide range of birds, insects and plants. The colonisation of the quarry by trees, shrubs and wildflowers has created a home for a diversity of birds and insects. A wildflower meadow boasting a rich mix of flora and fauna has been created to further enhance the site.

Most notable on site is a pair of breeding peregrines who occupy a ledge on the quarry face . They nest from April to July and have bred successfully on several occasions.

Please see the below link for further case studies that may be of interest.

Case studies - Nature After Minerals