LDP-PS-REP-132B
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From:
Sent: 06 November 2020 16:57
To: Local Development Plan
Subject: Fw: Re-Consultation Document LDP submission
Attachments: 6th November 202021.docx; 6th November 202022.docx; 6th November 202023.docx; 6th November 202024.docx; 6th November 202025.docx; 6th November 202026.docx; 6th November 202027.docx; 6th November 202028.docx; 6th November 202029.docx; 6th November 202030.docx

Follow Up Flag: Follow up
Flag Status: Flagged

Please find attached signed consultation document regarding Local Development Plan 2032.
Thankyou for your consideration

Regards,

Please Note:

This same submission (Rep Reference 132 B) has been submitted 10 times with the following names and addresses amended as follows at the bottom of the final page:

Rep Reference	Name	Stated Address
132 B		
		As above
		As above
		As above
		As above
		As above
		As above

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x10

6th November 2020

SUBMISSION FROM PARK AGAINST THE RUINATION OF THE COUNTRYSIDE (PARC)

To whom it may concern,

We are querying Soundness on below points in relation to Practice Note 6 of DPD 5:3:9, 5:3:20, 5:4:1, 5:4:5 on the long term, environmental sustainability for all those living in the Council areas for now and the future, given the below points on mining and the use of hazardous materials and the detrimental environmental and health legacy.
Please find our submission below to the consultation on the Derry City & Strabane District Council Local Development Plan (LDP) 2032 Draft Plan Strategy. PARC have scrutinised the document and have outlined our comments and objectives below relating to several different areas.

In relation to the document we have concerns in regard to some of the planning aspects, how it will be rolled out, assessed and adequately policed.

The Local Development Plan 2032 is a welcome asset to Council planning over the next 12 years. We welcome the opportunity to give our voice to elements Which will have an impact on ourselves, our families and our communities. It is disappointing, however, that there has been little opportunity given for a more involved, joined up, public consultation with the wider community on different aspects and forums i.e. community groups, cottage industry entrepreneurs, environmental groups etc. The consultation period has been too narrow to allow an open and full scrutiny of the impact of such a large scale plan on our local economy, environment and communities. It is disappointing that such a costly piece of work will not reach a wider audience.
Worryingly, the strategy does not incorporate for a third party appeals process. This is a fundamental flaw in the planning strategy and denies the public a voice, especially where planning applications can have a detrimental effect on the environment. Communities and individuals have to go down the judicial route to challenge applications. The costs for this are prohibitive. The Republic of Ireland operates a third party appeals process which is workable and enables the broader community to actively participate in the planning process. We would suggest that the council examines this practice in the Republic of Ireland with a view to adopting a similar appeals process.

Please see further detailed comments below:

Part C – Economy –Strategy, Designations & Policies

13. Minerals Development

We have given particular consideration with respect to Mining of minerals, given that there have been substantial prospecting licences awarded to external mineral mining companies in the SDCC area in recent years.

Questions

1. Who are the experts - who has been consulted with regard to mining of minerals and the impact it will have on the environment, water sources and rural communities. Use of environmental experts should be consulted with particular attention to legacy of mineral mining and in an independent basis.

2. 13.17 (LDP, P202) states 'the Council will reduce the potential for conflict by requiring an appropriate degree of separation in consultation with relevant consultees to be kept between minerals working and other developments, particularly where mining involves blasting' This, I feel, has an ambiguous edge to it. I believe this requires independent experts in environmental legislation and impact when it comes to agreeing planning for mining due to the negative impacts mining can have on communities during its working life and its legacy. 'The mining sector...policy and practice tend to be reflected in the nature of agreement making among government and industry' (https://www.investopedia.com/terms/s/social-license-slo.asp) Given that the licenses for prospecting have been granted without community consultation, my concern would be that there is little scope for any voice or assessment of the impact of mining or in fact mineral extraction outside the remit of governmental and mining companies. The adoption of MDAs into Planning Policy will not be adequately scrutinised without Independent expert assessment of impact and legacy for communities and the environment.

3. 13.20-22 Transporting materials to and from mineral sites - impact on poor existing road infrastructure - environmental impact of heavy diesel usage, traffic and noise going through small villages and rural

communities - see Dalradian's plan for proposed mine in Tyrone. If prospecting licences are granted for areas in the Sperrins including Sawel and Dart the impacts mentioned above will be difficult to police with resources and financially available as it will have to be funded from the coffers of the ratepayer. Given the move toward lowering the carbon imprint this mineral mining and transportation of will be at odds with your own proposal for sustainability and protection of the environment. The level of pollution afforded by diesel will also have a negative impact on the health of those living along the roads that could be used to transport minerals out of the area, particularly those with breathing illnesses such as asthma.

4. 9.3 Mining is viewed as a Developing Economy in Northern Ireland. How will mining in rural areas impact on other Developing Industries particularly the Tourism Market? LDP focuses also on the large rural population and economy in the North West area and how the economy can be developed in regards to Cottage Industries, organic farming micro industry, and Tourism. The conflict arising from the Proposed Plan of a mine in Tyrone against the Davagh Dark Forest Observatory is an example of one such conflict of interest. How will SDCC balance the rights of smaller micro industries against the economic might of the mining industry in these circumstances.

5. 'As a side effect of environmental legislation development and increased costs of waste management, mines moved from developed countries to other regions' (Carvahlo, 2017, https://onlinelibrary.wiley.com/doi/full/10.1002/fes3.109). Mining companies set out to protect their stakeholders and profits initially, paying lip service to environment, indigenous communities and legacy. Any granting of mining licence to mineral mining companies will from the outset be contradictory to all edicts of ED 1 of LDP, P 117. The experience is that mining companies only do what is necessary within environmental law as opposed to what meets the needs of the environment. 'Since mineral resources are a direct source of economic gain for governments, there is often collusion between companies and public authorities' (https://www.culturalsurvival.org/publications/cultural-survival-quarterly/mining-indigenous-rights-emergence-global-social-movement). Given the recent political developments between the British, Irish and Northern Irish governments in regard to lack of tax revenue coming into the coffers of Stormont, the economic push to bring mining to Northern

Ireland would concern me as it would quickly remedy that lack of finance.

There needs to be clear delineation between types of mining and how they are assessed. Mineral extraction is complex and its methodology has more negative environmental impact than quarrying. Use of cyanide processing methods, dry stacking of fine powder that contains toxic elements, mercury tailing ponds, heavy use of fossil fuels and heavy use of small local roads to transport leaves mineral extraction at odds with LDP Strategy on the protection of the environment. In quarrying the landscape is often returned to its original state if planning agreed is followed through properly.

Returning the landscape to its original form post mineral extraction is costly and the reason mining companies have moved operations to developing countries with less stringent environmental laws. Mineral Mining companies have a poor record of returning the land to a usable state and this would be particularly problematic for the large farming community in Northern Ireland.

Mineral mining will be at odds with LDP Strategy (p117):

- Adversely affecting the features of nature and historic environment of the Sperrins
- Emission of effluents
- Assisting promotion of Sustainability and biodiversity
- (Dry Stacking) having areas of storage adequately screened from public view
- Integration into landscape.
- (9.16) Storage of hazardous waste.

Alongside this, given that the companies who possess the prospecting licences are external to Ireland, there is a definite contradiction to the value of their SLO, their short-term Windfall economy and the legacy of mineral mining for our communities and environment.

Windfall economies such as Mineral Mining have a short term economic punch, the need for gold in this country is minimal and can be offset by landfill mining, which is becoming much more viable environmentally and economically. It would appear astute to look at the mining of minerals as economically viable in rural areas where the economic austerity of the last ten years on farming has been huge. However, allowing mineral mining companies to operate would give them a monopsony and a huge amount of 'leverage in their areas of operation because they are often the only source of stable employment and infrastructure'.

(https://www.culturalsurvival.org/publications/cultural-survival-quarterly/mini

ng-indigenous-rights-emergence-global-social-movement). Mineral mining is short-term, with long term negative impacts on the environment and indigenous communities. There would be little or no platform for objection for the indigenous population here should mineral mining industry be given a foot hold. Mineral development covers a diverse number of extraction methods using a range of processing techniques. We would suggest that the gold mining needs a greater focus given that it can use significant amounts of water, electricity and cyanide. Extraction and processing methods using cyanide have been banned in Canada and Germany which singles it out as mining activity that should be scrutinised with particular care.

13.9 mentions that planning applications should be supported by environmental reports and technical assessments. These need to be reviewed by specialists who are independent of the applicant to inform the planning recommendation.
Unacceptable adverse impacts as the critical policy test should specifically state Article 6 (Habitats Directive EU).

13.15 Water Environment. Who is going to **expertly** assess mitigating measures? This needs to be specified along with a framework to ensure that all the' appropriate assessments' are carried out?

13.22 In AOB the development of mineral extraction could have a detrimental effect on other economic development for example tourism which relies on maintaining the character of the landscape. Therefore, the short-term economic benefits of mining needs to be weighed against other more sustainable development.

MIN2
There is no map in the draft plan that outlines the full extent of ACMDs. When are these maps going to be produced? This needs to be included. The fact that the Council will consider mining applications weakens the whole idea of a protected area. We cite the application for the largest cyanide processing plant in Europe currently under consideration in the Sperrins an AOB and ASSI. A protected area should mean that. Furthermore, the detrimental effect of a mine underground can be widespread way beyond any surface boundaries e.g. the water table and can leave a legacy that can last 10s of years.

13.24 Who would be considered relevant consultees?

13.25 Using the ordinary meaning of 'significant' is in effect side stepping the Environmental Impact Assessment. This further weakens the protection of the ACMDs

MIN 3

13.26 In identifying MRAs discussions should also include other parties to give a balanced view to the vested interests of the mining companies. E.g. the local community and those who wish to develop tourism, farming and other sustainable economic activity.

MIN 4

13.30 The phrase 'due weight' has been used. This is not explicit enough and it needs to be clarified.

MIN 5

Who assesses and decides the correct amount for the restoration fund? In the event of contamination of land, air or water during the life of a mine, who will monitor pollutants and ensure decontamination?

13.32 Tailing heaps as a by-product of gold mining contain 9 heavy metals. By their very nature and coupled with our climate, they are not inert and pose a significant risk of leaching these metals into the water system. The idea of restoration is very much a case of closing the stable door when the horse has bolted. This illustrates just one of the reasons that gold mining needs to be dealt with more thoroughly within a planning strategy.

Furthermore, there is no mention of the fact that we live in a high radon area and that this should be a consideration when extractive industries may make this issue more acute.

Part E- Environment - Strategy, Designations & Policies

21. Natural Environment

The overall impression from this chapter is that the council is wholly aware of the amazing natural environment that exists on our doorstep and we would obviously endorse that view. However, we would have concerns regarding the phrase 'planning permission will only be granted in wholly exceptional circumstances'. This phrase is used extensively throughout this chapter and it would seem to be a 'catch all' in order to cover the circumstance where planning permission is granted exceptionally. We would be concerned that

this is allowed to negate everything that has been stated prior.

21.3 This section states that our unique natural heritage is a valuable resource for cultural, educational and leisure purposes.....enhancing the quality of life and well-being of our citizens. We would welcome this is key statement which should underpin this whole chapter. It is concerning, however, that the council are currently considering an application for mining which clearly goes against 'enhancing the life and well-being of our citizens'.

21.6 The phrase 'inappropriate development' is interesting. Again we would agree that this is a remit of the council and we would hope that they would adhere to this closely. Once more we have concerns with respect to the aforementioned planning application which is currently under consideration.

21.12 It is unclear to the reader why new designations are proposed, in particular in relation to the Sperrin Area of Outstanding Natural Beauty (AONB). It seems that it is to be changed to a Special Countryside Area (SCA). We are concerned regarding the need for this and the possibility that re-designation potentially downgrades the protection of this area.

NE2 and 21.16 The term 'legally protected species' is surely a misnomer as there are circumstances outlined where the 'legal protection' is overridden.

21.27 We are pleased to note that the LDP recognises that 'Our landscape is one of the key reasons why people come to visit our district'. However, it should be noted that 'inappropriate developments' will actively drive people away and be potentially dangerous to visitors within this area.

NE5 All proposals should also make statements regarding what happens if the development comes to an economic end and the developers make the decision to leave the area. The statements should demonstrate how they intend to leave the area with regard to disposal of any materials, structures involved in the site.

NE6 We would be interested to know how a measure would be made as to whether a development proposal would be of 'such regional or national importance to outweigh any potential detrimental impact'. This would need to a clear and transparent process open to public scrutiny.

21.35 It is heartening that the SCA is considered an Area of Mineral Constraint. However, on considering the policy within the Mineral Chapter of the LDP it seems that, yet again, this seemingly protective mechanism can be removed with various flimsy provisos. There seems little point in introducing a protective mechanism unless it is used appropriately. We would argue that any mineral development within an AONB will always compromise the integrity of the area.

NE7 All proposals should also make statements regarding what happens if the development comes to an economic end and the developers make the decision to leave the area. The statements should demonstrate how they intend to leave the area with regard to disposal of any materials, structures involved in the site.

21.46 Given the importance of monitoring the possible devastating consequences of lack of effectiveness of the LDP it is hugely concerning that this section is so brief. Also, depending on the seriousness of the lack of effectiveness in enhancing and protecting the natural environment, changes made at the LPD 5-yearly review and/or the LDP replacement might be considered wholly inadequate or too late. We would consider that this section requires much more attention to detail.

22.4 It would be hoped that the work with DFI and DAERA would produce robust baseline data that would fully inform regarding the current state of our coastlines. If this data doesn't exist, then it is impossible to plan effectively for the future.

22.6 This is a fairly 'broad-brush' statement which could be judged as somewhat contradictory.
CD1 It would seem wholly irresponsible to develop in areas of the coast which are known to be a risk from flooding, coastal erosion or land instability. Clearly this goes against fundamental environmental protection principles.
Once more, the LDP uses language which would negate supportive environmental statements which have been laid out previously. We would be interested to know how a measure would be made as to whether a development proposal would be of 'such regional or national importance to outweigh any potential detrimental impact'. This would need to a clear and transparent process open to public scrutiny.

22.9 It order to make valid decisions regarding our coast it would seem prudent that the extent of our coast is understood. We would suggest that this is a piece of work that should be completed.

22.11 It order to make valid decisions regarding our coastal it would seem prudent that the extent of our coastal zone is understood. We would suggest that this is a piece of work that should be completed.

22.24 This is a similar observation to that made for 21.46. Given the importance of monitoring the possible devastating consequences of lack of effectiveness of the LDP it is hugely concerning that this section is so brief. Also, depending on the seriousness of the lack of effectiveness in enhancing and protecting the developed and undeveloped coast, changes made at the LPD 5-yearly review and/or the LDP replacement might be considered wholly inadequate or too late. We would consider that this section requires much more attention to detail.

HE1 Once more, the comment 'development which would adversely affect such sites or the integrity of their settings must only be permitted in exceptional circumstances'. The inclusion of this statement within this document is hugely concerning and does not instil faith in the council as custodians of our historic environment.

HE2 We would suggest that planning permission should not be granted in sites known or likely to contain archaeological remains.

24.25 This is a similar observation to that made for 21.46 and 22.24. Given the importance of monitoring the possible devastating consequences of lack of effectiveness of the LDP it is hugely concerning that this section is so brief. Also, depending on the seriousness of the lack of effectiveness in achieving the required objectives, changes made at the LPD 5-yearly review and/or the LDP replacement might be considered wholly inadequate or too late. We would consider that this section requires much more attention to detail.