

Data Protection Officer
Mid and East Antrim Borough Council
The Braid
1-29 Bridge Street
Ballymena
BT43 5EJ

Section B. Your Details

Q1. Are you responding as individual, as an organisation or as an agent acting on behalf of individual, group or organisation? (Required)

Please only tick one

- ☐ Individual (Please fill in the remaining questions in the section, then proceed to Section F.)
- ☒ Organisation (Please fill in the remaining questions in the section, then proceed to Section D.)
- ☐ Agent (Please fill in the remaining questions in the section, then proceed to Section E.)

Q2. What is your name?

Title

First Name (Required)

Last Name (Required)

Email

Q3. Did you respond to the previous Preferred Options Paper?

- ☒ Yes ☐ No ☐ Unsure

Section C. Individuals

Address Line 1 (Required)

Line 2

Line 3

Town **(Required)**

Postcode **(Required)**

Section D. Organisation

If you have selected that you are responding as an organisation, there are a number of details that we are legally required to obtain from you.

If you are responding on behalf of a group or organisation, please complete this section, then proceed to Section F.

Organisation / Group Name **(Required)**

Your Job Title / Position **(Required)**

Organisation / Group Address (if different from above)

Address Line 1 **(Required)**

Line 2

Line 3

Town **(Required)**

Postcode **(Required)**

Section E. Agents

If you have selected that you are responding on behalf of another individual, organisation or group there are a number of details that we are legally required to obtain from you.

Please provide details of the individual, organisation or group that you are representing.

Client Contact Details

Title

First Name (Required)

Last Name (Required)

Address Line 1 (Required)

Line 2

Line 3

Town (Required)

Postcode (Required)

Q4. Would you like us to contact you, your client or both in relation to this response or future consultations on the LDP?

Please only select one.

☐ Agent

☐ Client

☐ Both

Section F. Soundness

The draft Plan Strategy will be examined at Independent Examination in regard to its soundness. Accordingly, your responses should be based on soundness and directed at specific strategic policies or proposals that you consider to be unsound, along with your reasons. The tests of soundness are set out below in Section M.

Those wishing to make representations seeking to change the draft Plan Strategy should clearly state why they consider the document to be **unsound** having regard to the **soundness tests** in Section M. It is very important that when you are submitting your representation that your response reflects the most appropriate soundness test(s) which you believe the draft Plan Strategy fails to meet. There will be no further opportunity to submit information once the consultation period has closed unless the Independent Examiner requests it.

Those who make a representation seeking to change the draft Plan Strategy should also state whether they wish to be heard orally.

Section J. Type of Procedure

Q5. Please indicate if you would like your representation to be dealt with by:
(Required)

Please select one item only

- ☐ Written (Choose this procedure to have your representation considered in written form only)
- ☒ Oral Hearing (Choose this procedure to present your representation orally at the public hearing)

Unless you specifically request a hearing, the Independent Examiner will proceed on the basis that you are content to have your representation considered in written form only. Please note that the Independent Examiner will be expected to give the same careful consideration to written representations as to those representations dealt with by oral hearing.

Section K. Is the draft Plan Strategy Sound?

Your comments should be set out in full. This will assist the Independent Examiner understand the issues you raise. You will only be able to submit further additional information if the Independent Examiner invites you to do so.

Sound

If you consider the Plan Strategy to be Sound and wish to support the Plan Strategy, please set out your comments below.

(Required)

Section L. Unsound

In this section we will be asking you to specify which part(s) of the draft Plan Strategy you consider to be unsound.

Note: If you wish to inform us that more than one part of the draft Plan Strategy is unsound each part should be listed separately. Complete this page in relation to one part of the draft Plan Strategy only.

Q6. If you consider that the draft Plan Strategy is unsound and does not meet one or more of the tests of soundness below, you must indicate which test(s) you consider it does not meet, having regard to Development Plan Practice Note 6 available at:

https://www.planningni.gov.uk/index/news/dfi_planning_news/news_releases_2015_onwards/development_plan_practice_note_06_soundness_version_2_may_2017.pdf

Please note if you do not identify a test(s) your comments may not be considered by the Independent Examiner.

Continued on next page.

Section M. Tests of Soundness (Required)

Procedural tests

- ☐ P1. Has the plan been prepared in accordance with the Council's timetable and the Statement of Community Involvement?
- ☒ P2. Has the Council prepared its Preferred Options Paper and taken into account any representations made?
- ☐ P3. Has the plan been subject to Sustainability Appraisal including Strategic Environmental Assessment?
- ☐ P4. Did the Council comply with the regulations on the form and content of its plan and on the procedure for preparing the plan?

Consistency tests

- ☐ C1. Did the Council take account of the Regional Development Strategy?
- ☐ C2. Did the Council take account of its Community Plan?
- ☐ C3. Did the Council take account of policy and guidance issued by the Department?

Coherence and effectiveness tests

- ☒ CE1. The plan sets out a coherent strategy from which its policies and allocations logically flow and where cross boundary issues are relevant is it in conflict with the plans of neighbouring Councils.
- ☒ CE2. The strategy, policies and allocations are realistic and appropriate having considered the relevant alternatives and are founded on a robust evidence base.
- ☐ CE3. There are clear mechanisms for implementation and monitoring.
- ☐ CE4. The plan is reasonably flexible to enable it to deal with changing circumstances.

Section N. Which part(s) of the draft Plan Strategy are you commenting on?

This should relate to only one section, paragraph or policy of the draft Plan Strategy. If you wish to inform us that you consider more than one part of the draft Plan Strategy is unsound, you can submit further representations by completing and submitting additional copies of this section.

Relevant Policy number(s)

MIN1 and MIN8

(and/or)

Relevant Paragraph number(s)

7.4.10 - 7.4.41

(and/or)

District Proposals Map


District Maps 1, 2 & 3

Please give full details of why you consider the draft Plan Strategy to be unsound having regard to the tests(s) you have identified above. Please be as clear and concise as possible.

Please see attached covering letter and supporting plan.

If you consider the draft Plan Strategy to be unsound, please provide details of what changes(s) you consider necessary to make the draft Plan Strategy sound.

Please see attached covering letter and supporting plan.


FP McCann Ltd
105 Nutfield Road
Lisnaskea
Co. Fermanagh
BT92 0HP

Mr Michael Francey
Mid and East Antrim
Development Plan Team
Planning Office
County Hall
182 Galgorm Road
Ballymena
BT42 1QF

Delivered by email to: planning@midandeantrim.gov.uk

11th December 2019

Your Ref: Draft Plan Strategy
Our Ref: MEA/DPS-R

Dear Mr Francey,

**Re: Draft Plan Strategy (DPS) for the Mid and East Antrim Local
Development Plan 2030.**

Further to our previous representations on the Preferred Options Paper, we welcome the opportunity to provide comment on the Draft Plan Strategy.

We also wish to thank you for the helpful presentation which you prepared for our industry on the 29th November 2019.

Response to Mid and East Antrim Draft Plan Strategy

The Draft Plan Strategy broadly acknowledges the importance of the minerals and it recognises the significant economic contribution of the mineral industry, this is very much welcomed. We note that the proposed ACMD also seeks to avoid areas with the largest concentration of existing quarries. At a basic level this should ensure that existing, permitted reserves will not be subjected to specific constraints. However the Draft Strategy does not attempt to quantify the following:-

- The expected mineral demand for the plan period
- The volume of minerals which may need to be safeguarded to ensure an adequate supply during the plan period
- The volume of existing, permitted and available mineral reserves
- The volume of potential reserves which may be sterilized by the proposed constraint area

For this reason, we submit that the Draft Strategy in its current form is unsound as it does not comply with the requirements of CE2 and is not founded on a robust evidence base.

Absence of Mineral Reserve Areas

As summarized within Technical Supplement 8 – ‘Minerals Development’ (TS8) the majority of responses to the Preferred Options Paper (POP) were in favour of Areas of Minerals Constraint **and** Mineral reserve Areas.

We also note the following from Para. 6.2 of Technical Supplement 8:-

*“...DfE has indicated that there needs to be a more comprehensive and clearer understanding of both the supply and the demand for mineral products across Northern Ireland and beyond to properly inform LDP minerals policies and proposals, **particularly in relation to the designation of areas seeking to safeguard mineral reserves and the defining of areas of constraint.**” (my emphasis added)*

Despite these comments, from both the minerals industry and DfE, the Draft Strategy has included significant areas of constraint but no designations are currently proposed to safeguard minerals. Whilst we note that it is the intention of the Council to reassess both constraint areas and mineral reserve areas at a later stage, the current approach is unsound. TS 8 acknowledges that a robust evidence base is required to inform policies regarding areas of constraint and mineral safeguarding. On this basis, the current approach is inconsistent as it provides protection for sensitive landscapes but does not afford any protection for known mineral deposits. In summary, it is improper to impose extensive areas of constraint without firstly establishing the quantity of minerals required during the lifetime of the Plan. Similarly, the Draft Strategy has not identified the quantities of minerals which are currently permitted for extraction and without this knowledge, the designation of constraint areas has the potential to sterilize mineral reserves which may be required during the Plan period.

As previously outlined in our response to the POP and in the reserve estimates we supplied in February 2017, based on current outputs, we expect that the permitted reserves at our Loughside Quarry will be exhausted before the end of the Plan period in 2030. As a result, it is our intention to seek planning approval for mineral extraction at locations which lie beyond the existing boundaries of the quarry. To facilitate this future extension, and to safeguard our existing operations, we wish to promote these lands for inclusion within a designated Mineral Reserve Area. The extent of this area is shown in Figure 1 below and a scaleable location map is also provided separately.

p

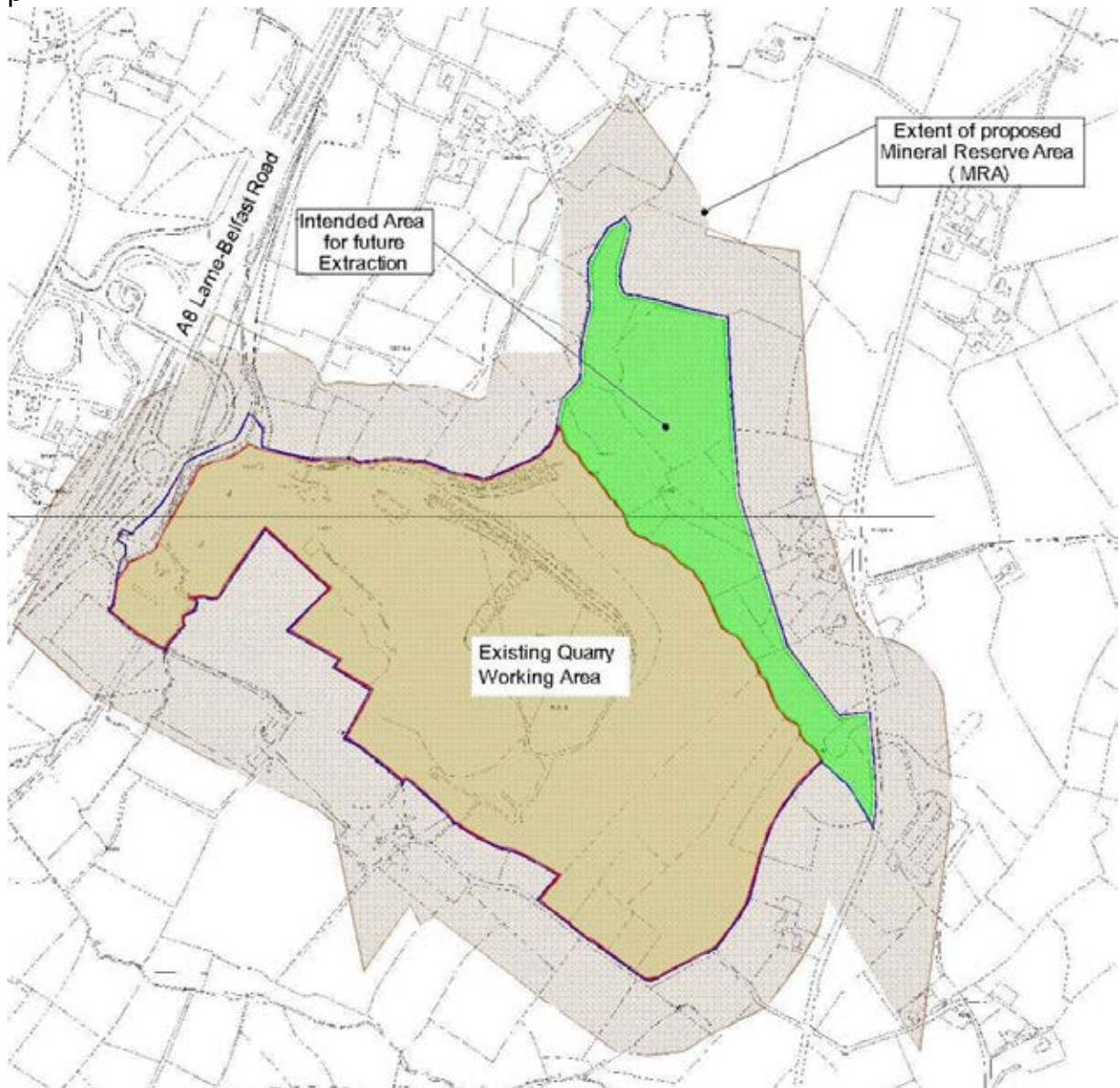


Figure 1 – Suggested Mineral Reserve Area (MRA) for Loughside Quarry

Paragraph 7.4.9 of the DS states that there is no identified need for new quarries over the Plan period however it makes no reference to the potential need for expansion at existing mineral workings. As outlined in our previous submissions, based on historical extraction rates, we expect that an extension to our Loughside operation will be required within the Plan period. We respectfully ask that this need is considered and that appropriate safeguarding designations are put forward to facilitate its development.

Currently, the only proposed mineral safeguarding designation relates to the salt mine at Kilroot, on the basis of its regional importance. The importance of the salt mine is fully acknowledged but we submit that the working of hard rock (particularly basalt) is no less important to our regional economy. The workings at Kilroot provide a mineral

which is invaluable to winter road safety. However, without an adequate supply of basalt aggregate, our road network could not be constructed or properly maintained.

As acknowledged within TS 8, Mid and East Antrim produces 31% of all basalt in Northern Ireland, considerably more than any other Council area. We would urge the Council to take a greater cognisance this statistic and to provide a greater level of protection/safeguarding to known basalt reserves.

Draft Policy MIN1 - Extraction & Processing of Hard Rock and Aggregates

Draft Policy MIN1 is not positively worded and should be adjusted in line with similar policies within the DS. The current wording suggests that an application could still be refused, even if it fully complies with the policy criteria.

The critical issue here relates to the use of the term “...*permission **can** be granted...*”. The wording used here provides no commitment from the Council to approve mineral development, even if the criteria stated within (a)-(f) of the policy is met. In comparison, we refer to Draft Policies GP1, ECD1, ECD4, RET1, RET3, TOU2, TOU4, TOU5, TOU6, TOU7, HOU3, HOU6, HOU7, HOU8, HOU9, HOU10, HOU11, HOU12, HOU14. Unlike MIN1, all these draft policies are positively worded, including terms such as “...***will** be permitted...*” and “...*permission **will** be granted...*”.

The main objectives of this MIN1 appear to be appropriate and in line with current industry best practice but we submit that the word “can” should be replaced with the word “will”. The suggested amendment would offer minerals operators some degree of certainty, provided that the requirements of criteria (a)-(f) can be met.

We note and welcome the comments made at 7.4.12 in relation to the potential for enhanced nature conservation and biodiversity through appropriate restoration.

Draft Policy MIN 2 – Vaulable Minerals

As the content of MIN 2 refers to the extraction of precious metals it does not directly affect our operations.

We would however suggest that the wording of this draft policy could be improved to remove the ‘double negative’ as follows:-

There will be a presumption against the exploitation of valuable minerals, including metalliferous minerals within Special Countryside Areas.

Draft Policy MIN 3 – Hydrocarbons

No comment.

Draft Policy MIN 4 – Areas of constraint on Mineral Development

As outlined above, it is erroneous to designate areas of constraint on mineral development without firstly establishing the likely demand for minerals over the Plan period.

This approach could potentially sterilize minerals which may be needed during the next 10-12 and are not reasonably available from areas which are outside the proposed area of constraint. We note that the presumption against extraction will not apply to minerals which are considered to be 'valuable'. Whilst the extraction of gold and platinum has the potential to add value to our economy, these materials will not make any contribution towards constructing the 4,256 dwellings which are provided for by the Plan. We submit that construction minerals are not just valuable to our economy, they are essential raw materials which must be accounted for if the strategic elements of the Plan are to be achieved. With respect, the Council should be mindful that the extraction of precious metals may provide an economic contribution but it will not provide any of the materials which will be needed to facilitate growth within the Borough.

Draft Policy MIN 5 – Area of Salt Reserve, Carrickfergus

This draft policy places an unfair emphasis on the importance of a particular mineral. Like the valuable metals referred to in MIN 2, salt will not contribute in any way to the construction of new homes, transport schemes or other infrastructure projects. Whilst we fully acknowledge the significance of the salt reserve at Kilroot, it is not more important than other sectors within the minerals industry. Furthermore, the salt mine does not employ a significant number of people (56 people at the end of 2018) and the more than 80% of the material won at Kilroot is exported outside Northern Ireland.

In contrast the active basalt and limestone quarries within Mid and East Antrim provide significant employment and produce materials which are used within the Borough and surrounding Council areas. Most importantly, these materials directly feed the construction sector, supplying every local building project and supporting thousands of local jobs in the process.

On this basis, we submit that a similar level of protection should be assigned all other active mineral workings within the Borough.

We would also highlight that section 7.4.29 describes the salt reserves as “...a *valuable mineral resource of regional importance*...” and this is clearly at odds with the definition provided in the Abbreviations & Glossary:-

“Precious metals such as gold and platinum which are particularly valuable to the economy.”

Some ambiguity exists with these descriptions and we submit that the economic value of the construction minerals sector should be appropriately recognized within the minerals policies of the Plan. In very broad terms, we would highlight that all minerals (including construction aggregates) are valuable, otherwise it would not be financially viable to extract them.

Draft Policy MIN 6 Development at Risk of Subsidence due to past or present underground mineral extraction

Like Policy MIN 5, this policy specifically seeks to protect new development from the effects of past/present salt mining activities.

We suggest that this policy should be expanded, or an additional policy put forward, to include similar protection for surface mineral workings (i.e. hard rock quarries). Whilst the risk of subsidence is not relevant, new developments which are located too close to surface mineral workings may be subjected to other impacts such as noise, fugitive dust and vibration. HSENI recommended a 100m blasting buffer and in England, Mineral Authorities will typically recommend a 250m set back from the extraction area to residential properties.

Whilst this issue should be a matter for development control, it is clear that this process is not 100% reliable and numerous single dwellings have been approved which are much too close to active mineral sites. A protective policy as suggested would eliminate this risk, ensuring that new development will not be permitted within close proximity of a working quarry.

Draft Policy MIN 7 Peat Extraction

No comment.

Draft Policy MIN 8 Restoration and Management of Mineral Sites

We are generally supportive of draft Policy MIN 8 as the requirement for appropriate restoration is well established as 'best practice' within our industry. Restoration provides for betterment and enhancement, particularly in relation to biodiversity and we are pleased to note that the Draft Strategy recognises this opportunity.

We comment on the proposed policy as follows:-

Progressive Restoration and Restoration Timescales

The prospect of completing restoration in a phased manner depends on the type of mineral and the method of extraction. It is not simply a case that larger extraction sites can be restored in phases, as inferred by the wording of MIN 8.

Progressive/phased restoration may be possible for some small sand and gravel sites but this could not be achieved for hard rock sites as multiple working levels are often required. As such, we suggest that the need for phased progressive restoration should be assessed on a case-by-case basis and specific policy on this aspect is not necessary.

In relation to restoration timescales, we would highlight that extraction rates are ultimately dictated by market demand and other external economic influences. As such, appropriate flexibility should be applied to restoration, linking timescales to the exhaustion of the mineral resource. We suggest that these aspects can be fully addressed by an appropriately worded planning condition and Policy MIN 8 should be adjusted to reflect this. MIN 8 in its current form is too onerous as it cannot be rigidly applied to all types mineral workings.

Financial Bonds

As all permissions for mineral extraction will be accompanied by appropriate restoration and aftercare conditions, the Council already has access to a comprehensive range of enforcement tools. We note that the proposed requirement for financial bonds does not extend to any other form of development within the DS, for example Waste Management, Renewable Energy or other forms of industrial development. To this end, it would appear that the minerals industry has been 'singled out' for no specific reason.

The draft Policy refers to circumstances where there are “...*legitimate concerns over an operator's financial security..*”. At a minimum, the method for assessing such concerns must be clearly outlined within the policy. We are aware that Planning Authorities in England may request financial securities on occasion but is not standard practice. Outside Northern Ireland, such measures are only used when an applicant has previously failed to comply with restoration/aftercare requirements.

The requirement for a financial bond may be appropriate to a 'rogue' quarry operator, where a history of non-compliance is clearly evident. However, great care should be taken to ensure that reputable mineral operators are not unfairly subjected to the significant cost associated with a bond to secure restoration.

Restrictions on potential end uses

We suggest that the proposed policy is unnecessarily restrictive as it limits potential after uses to community/recreation/tourism themes. The Policy should be adjusted to enable a wide range of potential after uses and we suggest that each restoration proposal should be assessed on merit. Whilst it may be appropriate for the Policy to outline preferred restoration uses it is not necessary to provide an exhaustive list.

On this point, we suggest that the Council should give favourable consideration to after uses which involve recycling and renewable energy. As a population, we are currently in a state of climate emergency and the need to re-use and recycle resources has never been more important. Both active and inactive quarries are highly suited to recycling and waste management uses and this already recognised by PPS11 and the Strategic Planning Policy Statement. Our operations at Loughside Quarry already include a recycling centre which turns construction and demolition waste into a useable recycled aggregate. We submit that the Loughside site could be suitable for a variety of recycling operations in the future, either as part of a restoration use or in tandem with existing quarrying operations.

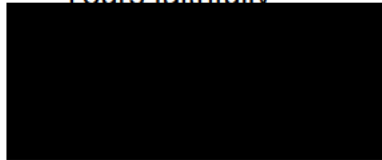
Conclusion

For the above reasons, we submit that the Draft Plan Strategy is unsound as it is not founded on a robust evidence base. We also submit that it has not taken account of previous representations and supporting information which has been submitted by this Company, other minerals operators and representatives of the industry.

In our view, it is erroneous to assign areas of constraint on minerals development without firstly quantifying the need and availability of minerals (particularly construction materials) during the Plan period. The absence of any protective/safeguarding designations to enable the continued operation of existing surface development is also flawed. To enable the correction of this issue, we trust that the enclosed map will be used to define a reserve area around our existing operations and safeguard our activities for the life of the plan.

I trust that this information is helpful and will be given detailed consideration by the Council. However should you require any clarification on these matters then please do not hesitate to contact me.

Yours faithfully

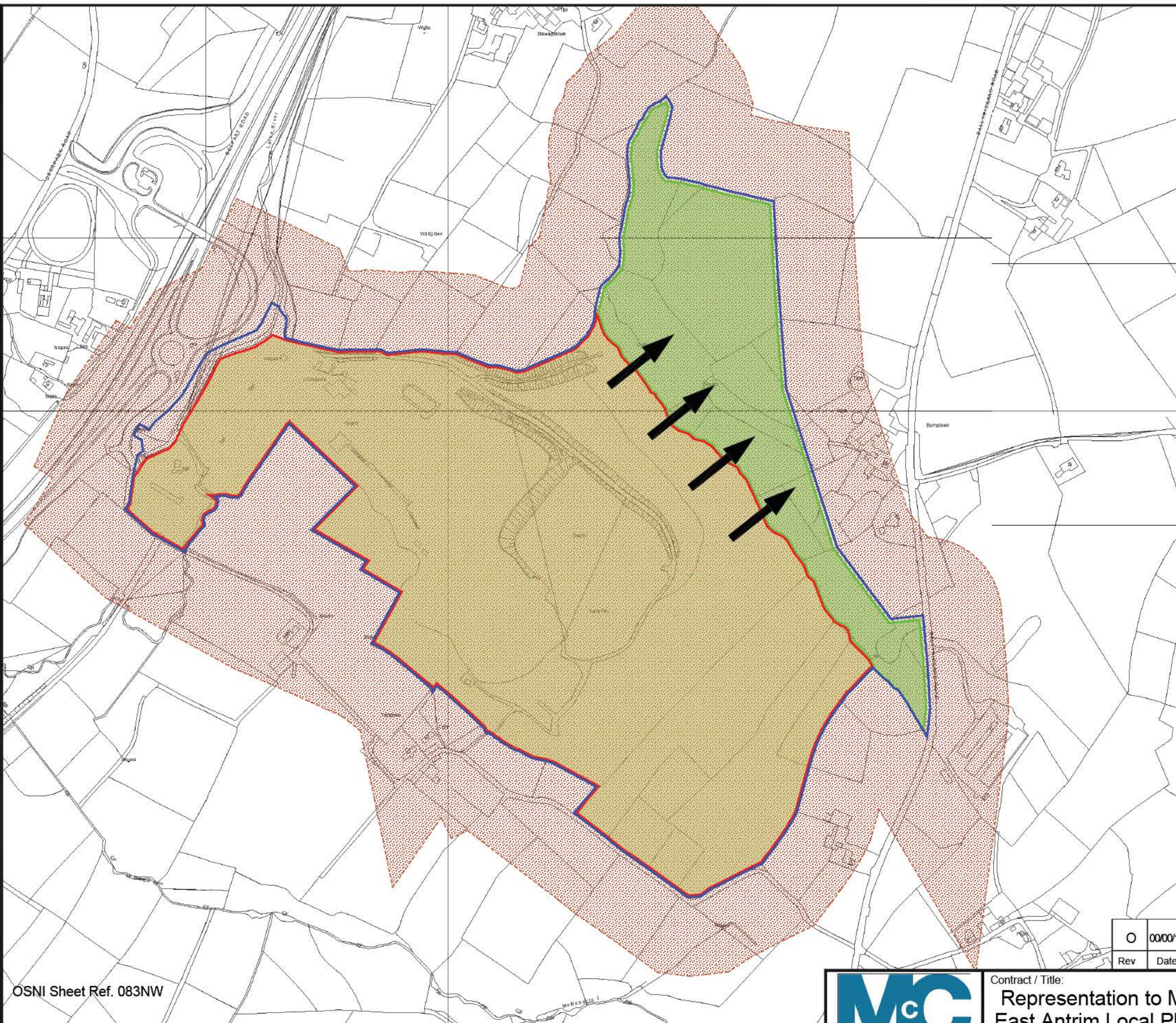






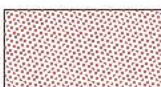

Estates Manager
On behalf of FP McCann Ltd
Encs.

MEA-DPS-017



A3
1cm



- Current FP McCann Ownership Area 
- Extent of existing permitted Basalt Reserve 
- Intended Future Basalt Extraction Area (subject to approval) 
- Intended working direction 
- Proposed 100m Blasting Buffer (As recommended by HSENI) 
- Proposed Mineral Reserve Area (MRA) 

OSNI Sheet Ref. 083NW

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Contract / Title:
**Representation to Mid and
East Antrim Local Plan 2030
Mineral Reserve Area
Loughside Quarry**

Drawn: PH	Scale: 1:5,000	Status:
Date: 06/11/2019	Chk'd: CMC	For Information 30/11/2019
Drawing no: 2019/LOU/MRA-01	Rev: 0	

O	000010	Original issue	-	-
Rev	Date	Revision detail	By	Chk'd