



Local Development Plan 2030

draft Plan Strategy Response Form

September 2019

www.midandeantrim.gov.uk/planning



**Mid & East
Antrim**
Borough Council

Mid and East Antrim draft Plan Strategy 2030

Overview

The Local Development Plan is primarily about delivering sustainable development and improving the quality of life and wellbeing of communities in Mid and East Antrim. It sets out a Spatial Growth Strategy underpinned by other strategic policies and proposals as a means of ensuring that development is high quality, meets local needs and is located in the appropriate places convenient to jobs and public services.

The Local Development Plan will also balance competing demands ensuring that new development respects our quality landscapes and our precious natural and historic environment, all of which expresses the unique identity of our Borough and underpins our growing tourism sector. Through guiding future development and use of land in our towns, villages and rural areas, the Local Development Plan will provide certainty as, under the new Plan-led system, it will be the first thing to be taken into account by Council when taking planning decisions. The Local Development Plan is a powerful tool for place-shaping and will assist in the delivery of our Community Plan 'Putting People First'.

The draft Plan Strategy sets out how our Borough will grow and change up to the year 2030. It puts forward our Plan vision and strategic objectives for the future. It also contains a Spatial Growth Strategy and supporting Strategic Spatial Proposals indicating where growth should be directed in the Borough. It also sets out a range of Strategic Subject Policies under the five key themes of Sustainable Economic Growth; Building Sustainable Communities; Transportation, Infrastructure and Connectivity; Stewardship of our Built Environment and Creating Places and Safeguarding our Natural Environment, which together will support the Spatial Growth Strategy and inform future planning decisions.

How we got here

The draft Plan Strategy is the first of two documents, which comprise the Local Development Plan. Once adopted, it will be followed by the Local Policies Plan which will set out our detailed site-specific proposals such as land use zonings and local designations such as settlement limits and town centre boundaries. The draft Plan Strategy has been developed following extensive engagement with the public, stakeholders and our elected Members and follows on from the publication of our Preferred Options Paper in June 2017. The key stages in this phase of the plan making process are shown below



How We Are Consulting

The easiest and quickest way to comment is by completing our online response form:

consult.midandeantrim.gov.uk

Alternatively, complete this draft Plan Strategy Response Form and either return by email to planning@midandeantrim.gov.uk or download a copy and post to:

Local Development Plan
Team, County Hall, 182
Galgorm Road,
Ballymena,
BT42 1QF.

The draft Plan Strategy is published for formal public consultation for a period of eight weeks beginning on **Wednesday 16 October and closing at 5pm on Wednesday 11 December 2019**. Please note that in order for comments to be considered valid you must include your contact details. We will use these details to confirm receipt of comments and to seek clarification or request further information. Anonymous comments or comments which do not directly relate to the draft Plan Strategy will not be considered as part of the consultation process. For further details of how we handle representations, please refer to our Polices Notice which can be accessed here https://www.midandeantrim.gov.uk/downloads/privacy_notice_ldp.pdf.

Section A. Data Protection

Local Development Plan Privacy Notice

Mid and East Antrim Borough Council is a registered data controller (ZA076984) with the Information Commissioner's Office and we process your information in accordance with the General Data Protection Regulation and Data Protection Act 2018.

Mid and East Antrim Borough Council collects and processes personal information about you in order to fulfil our statutory obligations, to provide you and service users with services and to improve those services.

Our Privacy Notice relates to the personal information processed to develop the Council's Local Development Plan (LDP) and can be viewed at https://www.midandeantrim.gov.uk/downloads/privacy_notice_ldp.pdf. It contains the standards you can expect when we ask for, or hold, your personal information and an explanation of our information management security policy. All representations received will be published on our website and made available at our Local Planning Office, County Hall, 182 Galgorm Road, Ballymena, for public inspection and will be will be forwarded to the Department of Infrastructure in advance of Independent Examination.

If you wish to find out more about how the Council processes personal data and protect your privacy, our corporate privacy notice is available at www.midandeantrim.gov.uk/privacy-notice.

Why are we processing your personal information?

- To enable the preparation of the Council's Local Development Plan;
- To consult your opinion on the Local Development Plan through the public consultation process as well as other section functions;
- To ensure compliance with applicable legislation;
- To update you and/or notify you about changes; and
- To answer your questions.

If you wish to find out more information on how your personal information is being processed, you can contact the Council's Data Protection Officer:

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

Mr

First Name **(Required)**

Chris

Last Name **(Required)**

Bean

Email

chris.bean@wardell-armstrong.com

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.

The Crown Estate

Client Contact Details

Title

[Redacted]

First Name **(Required)**

[Redacted]

Last Name **(Required)**

[Redacted]

Address Line 1 **(Required)**

Crown Mineral Agent

Line 2

c/o Wardell Armstrong LLP

Line 3

Sir Henry Doulton House, Forge Lane, Etruria

Town **(Required)**

Stoke-on-Trent

Postcode **(Required)**

ST1 5BD

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, MIN2 & MIN4

(and/or)

Relevant Paragraph number(s)

(and/or)

District Proposals Map

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.

This representation has been prepared by Wardell Armstrong on behalf of The Crown Estate, specifically in relation to policies within the Mid and East Antrim Local Development Plan 2030 Draft Plan Strategy dated September 2019.

Wardell Armstrong advises The Crown Estate in respect of its onshore mineral interests in the UK including Northern Ireland. The Crown Estate licences minerals in Northern Ireland which it is required to manage in accordance with its statutory obligations (see note below). As part of its management role, it awards commercial leases for the working of its minerals where the necessary permissions can be obtained

The Crown Estate is an independent commercial real estate business created by The Crown Estate Act 1961. Under the 1961 Act, it is entrusted to manage its assets to deliver best value over the long term and return all its profit to HM Treasury. Over the last ten years it has returned over £2.4bn for the benefit of the public finances. As part of its portfolio, it grants options and commercial leases for the exploration and extraction of gold and silver deposits.

Having considered the policy position put forward by the Council, The Crown Estate would wish to make suggested alterations to the policies set out as explained within the following comments. The comments made here relate solely to the role of The Crown Estate as mineral licensor and the potential impact on the working of parcels of land within the Borough.

In particular therefore this response refers to Policy MIN2 – Valuable Minerals contained within Chapter 7 of the Draft Plan Strategy.

In addition, it also comments on related and associated policies MIN1 – Mineral Development – Extraction & Processing of Hard Rock and Aggregates; MIN4 – Areas of Constraint on Mineral Development and MIN8 – Restoration and Management of Mineral Sites.

Specifically, the minerals prospecting licence LON 2/14 has been granted by the Department for the Economy and an option over the same area has been granted by The Crown Estate. This area is identified within the Draft Plan. At this stage it is not possible to identify with any great precision the precise location of valuable mineral resource within this area.

Whilst greater knowledge may become available in the future, the timeline may not coincide with the Local Development Plan preparation stages.

The importance of the site and sector to the local economic and wider economy, employment and economic growth is recognised, but we would suggest that the buffer zones be drawn sufficiently wide and / or the policy reflect the need to retain flexibility to ensure that the importance of such sites is properly recognised and not restricted or sterilised unduly in the future.

In relation to the above, we would wish to highlight a number of matters of concern in relation to the approach to future mineral development set out under the following Draft policies.

Policy MIN2 Valuable Minerals

We note that Policy MIN2 only partially follows the Strategic Planning Policy Statement (SPPS) for Northern Ireland approach and wording in respect of valuable minerals such as Gold and Silver in referring to the approach that “there will not be a presumption against their exploitation in any area apart from within designated Special Countryside Areas”.

Whilst this is unlikely to affect the minerals prospecting licence LON 2/14, such an approach is not in accordance with the SPPS wording which provides a more appropriate response, requiring only that in statutory policy areas, due weight will be given to the reason for the statutory zoning. We note that Department for Infrastructure (Dfi) and Department for the Economy (DfE) previously expressed concern with regard to the inconsistency with the SPPS during previous consultation stages of the Plan.

It is only where the grant of planning permission would prejudice the essential character of a designated area and the reasons for that designation that permission will not normally be granted.

The policy wording also suggests that in other areas the Council will apply “a cautious approach” in assessing applications for valuable minerals. It is respectfully suggested that such a term is somewhat vague and unclear thus failing the required policy tests.

Where policy does refer to the need for compliance with Policy MIN1 it is assumed (but should be made more explicit) that it is only parts a) to f) to Policy MIN1 Mineral Development – Extraction and Processing of Hard Rock and Aggregates against which applications for valuable minerals will be judged.

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.

Policy MIN1 Mineral Development – Extraction and Processing of Hard Rock and Aggregates

Turning to the specifics of Policy MIN1 Mineral Development – Extraction and Processing of Hard Rock and Aggregates there are certain areas where wording of the policy would benefit from greater clarity and certainty to assist in decision taking on applications.

Change wording from; “planning permission can be granted for the extractionto

“planning permission will be granted for the extraction

It is also unclear and likely to be open to interpretation what is meant specifically by adopting “a cautious approach in assessing applications for the exploitation of valuable minerals”

It would, to our mind be simpler and clearer for MIN2 to refer to the need for all proposals to comply with Policy MIN 1 which provides the necessary planning and environmental safeguards required for any assessment.

Turning to these safeguards in MIN1, again, taken as a whole the policy actually refers to Hard Rock and Aggregates not “valuable minerals” such as gold and silver.

We do not believe it is the intention for MIN2 to require applications for valuable minerals to be assessed under the entirety of policy MIN1. To do so would indeed conflict with those other policies in the plan and the objectives contained in the SPPS as it would result in a presumption against valuable minerals development in Special Countryside Areas and Areas of Constraint on Minerals Development.

As previously identified, it is suggested that, to simplify and clarify the manner in which applications for Valuable Minerals development Policy MIN1 are assessed the above concerns can be resolved through the rewording of Policy MIN1 so that it refers solely to subsections a) to f) of MIN2, as follows;

Policy MIN2 Valuable Minerals - There will not be a presumption against the exploitation of valuable minerals, including metalliferous minerals, in any area. For all areas, but particularly within areas designated for their landscape quality or their importance for nature conservation or the historic environment, the Council will require all proposals for the exploitation of valuable minerals to comply with parts a) to f) of Policy MIN1.

All proposals must meet the General Policy and accord with other provisions of the LDP.

Policy MIN4 – Areas of Constraint on Mineral Development

We note that Draft Policy MIN4 confirms that the presumption against extraction and processing of minerals will not apply in the consideration of ‘valuable’ minerals.

This approach is welcomed, however we would suggest that the term ‘valuable’ be defined clearly so as to avoid any debate or confusion and that it includes gold and silver.

Policy MIN8 – Restoration and Management of Mineral Sites

We note the content of Policy MIN8 and would consider this to be an appropriate form of wording generally to secure the progressive restoration of sites.

Summary

An overly restrictive policy would have the potential to constrain the development of potentially valuable minerals resources. We suggest that a policy based on additional scrutiny of environmental effects within such areas may provide sufficient level of protection and balance in the consideration of such applications and have therefore provided a suggested wording for MIN2 that secures this balance and accords with the SPPS.

In summary, our view is that a more balanced approach should be taken in final policy formulation.

In addition to the purely physical considerations of mineral working, the policy should give sufficient weight to the significant social and economic benefits that arise from the working of mineral resources. Whilst visual and other environmental effects must be taken into account in assessing applications, it is also important to balance the very significant economic benefits to local communities and society at large that mineral working can deliver.

The intended policy approach should therefore take account of the overall balance that is a fundamental of decision making on planning applications, taking into account the likely impacts of development and balance these with any other positive effects, including environmental, social and economic benefits.

We trust these comments are of assistance and look forward to being advised of the next stages of consultation.



**Mid & East
Antrim**
Borough Council

Local Development Plan Team
County Hall
182 Galgorm Road
Ballymena
BT42 1QF

Tel: 0300 124 5000
planning@midandeantrim.gov.uk

www.midandeantrim.gov.uk/planning