



Fermanagh & Omagh Draft Plan Strategy Representations Form

Hard Copies of the Draft Plan Strategy are available for inspection during normal opening hours at the council's principal offices. The documents, electronic copies of this form, and our 'Guidance for Making Responses to the Plan Strategy' may be viewed at: <https://www.fermanaghomagh.com/>

How to respond

You can make representations about the Draft Plan Strategy by completing this survey form, or if you prefer, you can fill out this form online.

For further assistance contact: developmentplan@fermanaghomagh.com or Tel: 0300 303 1777; All representations must be received by 21st December 2018 at 12:00 noon.

SECTION 1. Contact Details

Individual Organisation Agent (complete with your client's details first)

First Name

Last Name

Job Title (Where relevant)

Organisation (Where relevant)

Address

c/o Wardell Armstrong LLP
Sir Henry Doulton House, Forge Lane, Etruria,
Stoke-on-Trent

Postcode

Telephone Number

Email Address

If you are an Agent, acting on behalf of an Individual or Organisation, please provide your contact details below. (Please note you will be the main contact for future correspondence).

First Name

CHRISTOPHER

Last Name

BEAN

Job Title (Where relevant)

TECHNICAL DIRECTOR

Organisation (Where relevant)

WARDELL ARMSTRONG LLP

Address

SIR HENRY DOULTON HOUSE, FORGE LANE

ETRURIA,

STOKE-ON-TRENT

Postcode

ST1 5BD

Telephone Number

[REDACTED]

Email Address

[REDACTED]

SECTION 2. Representation

What is your view on the Draft Plan Strategy?

Sound

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

(Continue on a separate sheet if necessary)

OR

Unsound

If you consider the Plan Strategy to be **unsound**, please identify which test(s) of soundness your representation relates to, having regard to Development Plan Practice Note 6.

Soundness Test No:

- P1 Has the Draft Plan Strategy 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 Draft Plan Strategy been subject to sustainability appraisal including Strategic Environmental Assessment?**
- P4 Did the council comply with the regulations on the form and content of its Draft Plan Strategy and procedure for preparing the Draft Plan Strategy?**
- 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?**
- C4 Has the plan had regard to other relevant plans, policies and strategies relating to the council's district or to any adjoining council's district?**
- CE1 Does the Plan Strategy sets out a coherent strategy from which its policies and allocations logically flow and where cross boundary issues are relevant it is not in conflict with the Draft Plan Strategies of neighbouring councils?**
- CE2 Are the strategy, policies and allocations realistic and appropriate having considered the relevant alternatives and are founded on a robust evidence base?**
- CE3 Are there clear mechanisms for implementation and monitoring?**
- CE4 Is it reasonably flexible to enable it to deal with changing circumstances?**

Plan Component - To which part of the Draft Plan Strategy does your representation relate?

- | | |
|-------------------------------|---------------------|
| (i) Relevant Paragraph | 4.72 - 4.88 |
| (ii) Relevant Policy | MIN01; MIN02; MIN03 |
| (iii) Proposals Map | |
| (iv) Other | |

Details

Please give details of why you consider the Plan Strategy to be unsound having regard to the test(s) you have identified above. Please be as precise as possible.

This representation has been prepared in relation to policies within the Draft Plan Strategy 2030 published in October 2018 by FODC.

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 licences for the working of its minerals where the necessary permissions can be obtained.

Having considered the policy position put forward by the Council, The Crown Estate is broadly supportive of the proposals it aims set out, subject to 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 several parcels of land within the District. In particular, we would like to highlight the approach to future mineral development set out under Draft Policies:

MIN01 – Minerals Development

MIN02 – Restoration and Aftercare

MIN03 – Minerals Safeguarding Area

Draft Policy MIN 01 – Minerals Development

We welcome the initial policy support expressed for proposals for minerals development subject to specific assessment of environmental impacts.

Part two of this policy then considers that within Areas of Constraint on Mineral Development one or more of the following criteria must be met in addition to these environmental considerations;

vii) the proposal involves an extension to an existing minerals development: or

viii) the minerals development will provide building materials that are substantially for the restoration and repair of built conservation interest in the local area; or

ix) the mineral is of high value; or

x) the mineral is of limited occurrence and there is no reasonable alternative source outside the ACMD; AND

xi) the development is for less than 15 years duration

There is no doubt that minerals such as gold, silver and platinum are classified as 'valuable minerals' and proposals for minerals development of such minerals would pass at least one of the above tests.

The policy wording is however somewhat unclear, but our reading of this, and clarified by para. 4.75 – 4.81 below, clarifies that the inclusion of "AND" between x) and xi) is important.

At para 4.80 it is confirmed that the intention of the policy is to only permit those proposals which are short term in duration – less than 15 years within an ACMD.

It is also stated that this time limit includes construction, operation, decommissioning and restoration of the site.

The approach of only allowing working in 15 year periods is not realistic or practical. Given the scale of the workings and the upfront investment that is required to set up and operate modern mineral sites and operate them to a high standard, more than 15 years is preferable.

We note that The Department for Economy (DfE) has previously produced a document titled "Information on Minerals Development to Inform Local Council Preferred Options Papers, including the previous FODC POP.

Within this document, DfE state that the proposal to place a time limit on exploration and development is both arbitrary and unnecessary.

As the paper points out:

"...given the nature of mineral exploration, it is not uncommon for an area to be explored by different companies over a period of several decades, although this exploration may be for different minerals and have breaks between licences. Any imposition of a time limit on exploration activities does not take this practice into account and could result in valuable economic mineral deposits remaining undiscovered".

The 15 year limitation does not recognise the significant up-front investment and timescales involved in development and exploration of such mines. Again, the DfE paper points out that:

"...it is not uncommon for the time between the start of exploration and the submission of a planning application for an underground mine to be as long as 20 years. A time limit would have a negative effect on mineral exploration and, thus would significantly reduce the inward investment and employment opportunities that the development of mineral resources could bring to Northern Ireland as well as perpetuating the reliance on imports of raw materials"

Para 4.80 of the subsequent policy clarification text does suggest that if during the extraction phase, a mineral resource is found to be more extensive than originally indicated, the Council will consider a new planning application to extend the life of the quarry / mine and subject to the provision of the necessary supporting evidence and environmental information

Para 4.80 of the subsequent policy clarification text does suggest that if during the extraction phase, a mineral resource is found to be more extensive than originally indicated, the Council will consider a new planning application to extend the life of the quarry / mine and subject to the provision of the necessary supporting evidence and environmental information.

Such a statement would not, in itself, provide sufficient certainty to enable long term commitment for the exploration and development of the mineral resources. It would, in our opinion, be more logical to include a periodic review mechanism enabling review of environmental matters and management at 15 years to enable any such issues to be resolved at such a point in time and any permission to be reviewed in light of modern operating, restoration and aftercare conditions. It is also possible that a site could be operated for more than 15 years with no significant impact on the AONB.

The amendment of this policy is felt necessary to be consistent with Policy SFG13 which seeks to sustain rural communities living in smaller settlements and the open countryside and to sustain the overall strength of the rural community living in small towns, villages, small rural settlements and the open countryside.

MIN02 – Restoration and Aftercare

The contents of Policy MIN02 are noted. Para 4.82 is perhaps significant in that it recognises that restoration of mineral development sites provides the opportunity to improve the landscape, encourage biodiversity and create recreational opportunities for local communities. Such benefits would equally apply to sites within the AONB.

MIN03 – Minerals Safeguarding Area

We support the inclusion of Policy MIN03, and the recognition of the need to define MSA's to avoid sterilisation by non-mineral development.

It is noted that the boundaries of MSA's and respective policies on applications for development within these areas is yet to be defined. The precise extent of the area of deposits required to be safeguarded are currently somewhat uncertain and during early stages in exploration it may not be possible to identify with any great precision the Protection Zone that should be applied.

As suggested in the Strategic Planning Policy for Northern Ireland (SPPS) 2015, in identifying mineral resources and to assist in the definition of the MSA's, councils may wish to refer to the Minerals Resources Map of Northern Ireland. Sufficient flexibility will however be required to ensure such minerals are not sterilised. The Geological Survey of Northern Ireland (GSNI) has begun to draw together data necessary to enable an approach to be developed in relation to safeguarding in Northern Ireland and look in more detail at specific localities within individual council areas and such information will, we understand provide a stronger basis for the definition of MSA's.

Modifications

What, if any, modifications do you think should be made to the section, policy or proposal? What specific modifications do you think should be made in order to address your representation?

MIN01 – Minerals Development

The proposal to place a time limit on exploration and development is both arbitrary and unnecessary. Such a policy would not, in itself, provide sufficient certainty to enable long term commitment for the exploration and development of the mineral resources.

Should the FODC seek to secure greater control within the AONB, it would, in our opinion, be more logical to include a periodic review mechanism enabling review of environmental matters and management at 15 years to enable any such issues to be resolved at such a point in time and any permission to be reviewed in light of modern operating, restoration and aftercare conditions.

MIN03 – Minerals Safeguarding Area

As suggested in the Strategic Planning Policy for Northern Ireland (SPPS) 2015, in identifying mineral resources and to assist in the definition of the MSA's, councils may wish to refer to the Minerals Resources Map of Northern Ireland. Sufficient flexibility will however be required to ensure such minerals are not sterilised. The Geological Survey of Northern Ireland (GSNI) has begun to draw together data necessary to enable an approach to be developed in relation to safeguarding in Northern Ireland and look in more detail at specific localities within individual council areas and such information will, we understand provide a stronger basis for the definition of MSA's

If you are seeking a change to the Draft Plan Strategy, please indicate how you would like your representation to be dealt with at Independent Examination:

Written Representations **Oral Hearing**

SECTION 3. Data Protection and Consent

Data Protection

In accordance with the Data Protection Act 2018, Fermanagh and Omagh District Council has a duty to protect any information we hold on you. The personal information you provide on this form will only be used for the purpose of Plan Preparation and will not be shared with any third party unless law or regulation compels such a disclosure. It should be noted that in accordance with Regulation 17 of the Planning (Local Development Plan) Regulations (Northern Ireland) 2015, the council must make a copy of any representation available for inspection. The Council is also required to submit the representations to the Department for Infrastructure and they will then be considered as part of the Independent Examination process.

For further guidance on how we hold your information please visit the Privacy section at www.fermanaghomagh.com/your-council/privacy-statement/

By proceeding and submitting this representation you confirm that you have read and understand the privacy notice above and give your consent for Fermanagh and Omagh Council to hold your personal data for the purposes outlined.

Consent to Public Response

Under planning legislation we are required to publish responses received in response to the Plan Strategy. On this page we ask for your consent to do so, and you may opt to have your response published anonymously should you wish.

Please note: Even if you opt for your details to be published anonymously, we will still have a legal duty to share your contact details with the Department for Infrastructure and the Independent Examiner/Authority they appoint to oversee the examination in public into the soundness of the plan. This will be done in accordance with the privacy statement above.

- Yes with my name and/or organisation**
- Yes, but without my identifying information**

Signature

	
---	--

Date

18/12/2018
