

My Survey

Submitted By: Anonymous user

Submitted Time: 12/17/2018 12:08 PM

Your Details

Agent or Personal Submission

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Agents

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Representations

Your View

Unsound

Soundness Test No:

P2 Has the council prepared its Preferred Options Paper and taken into account any representations made? , CE2 The strategy, policies and allocations are realistic and appropriate having considered the relevant alternatives and are founded on a robust evidence base

Plan Component

Part 2, Section 4.0 Economy

Relevant Policy, Paragraph, Appendix or Proposal Map

Numerous - Minerals Section and Supporting Documents

Details

The Draft Plan Strategy broadly recognises the importance of the minerals industry and its essential contribution to the economy, this is very much welcomed. However, we have fundamental concerns about the completeness and accuracy of the baseline information which has been used to formulate the Draft Minerals policies and to define the Draft Areas of Constraint on Mineral Development (ACMD). It would appear that the ACMD is based solely on the extents of other landscape and environmental designations. In proposing this protective designation no attempt has been made to ascertain if adequate mineral reserves exist outside the proposed area of constraint. We note that the Plan makes reference to the Minerals Resources Map for Northern Ireland however this information only provides a very broad picture of potential mineral deposits. Most importantly, this mapping only shows the location of potential deposits, it does not take account of buildings, roads and other surface development which may limit or impede the extraction of the identified deposits. Whilst the Minerals Maps may provide a useful starting point, they do not provide the detail necessary to enable the appropriate designation of minerals constraint areas. Similarly, in defining the proposed ACMD, no attempt has been made to balance the economic and environmental factors which apply to minerals development. Most importantly, no attempt has been made to accurately quantify the permitted/available reserves within the district. We note that a similar approach was used to define mineral constraint areas within the Magherafelt Area Plan 2015. Under independent examination by the Planning Appeals Commission, this approach was deemed to be fundamentally unsound. Baseline data – unrepresentative/inaccurate figures

Firstly, we are disappointed to note that FODC has not used any of the information which has been provided by existing minerals operators within the district. We are aware that information requests were issued to local operators after the publication of the Preferred Options Paper. We can also confirm that details of current extraction rates and reserve estimates for our Lisnaskea Quarry were supplied by this company in February 2017. However, it would appear that this data has not been used in any way, in the preparation of the Draft Plan Strategy. We also note that the accompanying Minerals Background Paper makes no reference to the surveys which were issued to local operators. Instead, it states: – “There are no quantifiable details in relation to the amount of mineral reserves that lie within the district. There is also a lack of information on the amount of permitted mineral reserves i.e. existing permission which are still being worked...” If FODC, as the Planning Authority for the district, does not hold adequate information on the amount of permitted mineral reserves then where might this information be held? We understand that the Council has (or certainly should have)

access to the details of all permitted mineral extraction sites within the District since 1973. This information, combined with current operational data from active sites, would provide a much more accurate and reliable picture of permitted reserves. More importantly, if it is not possible to properly quantify the mineral reserve which is currently available within the District, then how can FODC justify the proposed Area of Constraint on Mineral Development? At a fundamental level, the Draft Plan Strategy seeks to provide for at least 4,000 new homes in the period up to 2030. Each new dwelling will require at least 50 tonnes of aggregate. Also, as stated in section 4.4 of the minerals background paper, 14 tonnes of aggregate per head are needed every year. The total population of the District is 115,468 and is projected to grow to 122,800 by 2030. These aspects of the Plan alone will require a minimum of 18,000,000T of minerals and quarry products up to 2030 and yet no attempt has been made to ascertain if adequate reserves exist. Section 6.1 of Minerals Background Paper states:-“Although it is not possible to quantify the amount of minerals required over the Plan period up to 2030, there will be a need to ensure that supplies of raw materials are provided in pace with any economic growth that occurs.” The suggestion that new/extended minerals sites could be released in pace with economic growth is both short-sighted and frankly impossible to achieve in practical terms. Whilst there is an obvious requirement for quarry operators to ‘forward plan’, the development control process cannot be expected to react quickly to economic demand. At a basic level, this approach seeks to avoid the need to properly quantify permitted and potential mineral reserve within the District. Historically, the planning system in Northern Ireland has struggled to properly quantify both the economic contribution of the minerals industry and the volume of workable minerals reserves which exist. Prior to the reform of local government in 2015, the planning system relied almost exclusively on broad, raw data from DETI and QPANI. This approach has already undergone scrutiny through public examination and was deemed to be unsound. Despite this, FODC has taken an almost identical approach in preparing its evidence base for the emerging Plan. Undoubtedly, the information provided to date is useful, but only as a starting point. Much more detail is required in terms of the quantity, quality and availability of mineral reserves. Until this detailed information is gathered, any attempt to restrict mineral development is fundamentally flawed. We also have serious concerns about the accuracy of the baseline information and we would highlight that some of the data used to prepare the draft strategy is up to 8 years old. Therefore, the data presented has, to some degree, been skewed by the economic downturn between 2008-2012. It follows that the figures which have been used to prepare the Draft Strategy may not be entirely representative of the current situation with respect to minerals demand/outputs. On a basic note, Table 3 as presented in the Minerals Background Paper which accompanies the Draft Plan Strategy is mathematically incorrect. This table claims to provide details of the total economic value and tonnages for the year 2016 but the sum of the figures provided does not equate to the totals shown. The totals do however match the figures which were provided in Table 2 of Position Paper 9 which was published in October 2015. It would appear that the totals provided here have simply been copied from the Position Paper. Three years have now passed since the Position Papers were published and this error suggests that virtually no attempt has been made

to conduct any further minerals research during that time. Finally on this point, the values provided within the minerals background paper appear to be significantly understated. From some simple calculations, the price of sand and gravel equates to £3.41/ton and limestone is lower still at £2.90/ton. These prices fall far below current market rates and we suggest that the minerals could not even be extracted for these prices, let alone processed and sold on to customers. Current market prices for virgin aggregates are in the region of £7.50-12.00/ton, meaning that the values used in the preparation of the Plan represent about 25-30% of the true economic value. On this basis, the £6m shown in Table 3 (if correct) should actually be in the region of £20m per annum. It is also important to note that the figures presented in the Plan documents only relate to raw minerals products, they do not take account of the minerals which are used in more expensive, secondary processes such as ready-mix concrete production, precast concrete manufacturing or surfacing materials. Ready-mix concrete for example is typical sold for £50-60/ton depending on the strength required. Applying this to the figures which have been used to prepare the Draft Strategy could easily uplift the total by a factor of x10, i.e. £60m per annum. This is a pessimistic estimate, and considering the number of precast concrete manufacturers which are located in the Fermanagh & Omagh District, the true figure could easily be in excess of £100m per year.

Absence of Mineral Safeguarding Policies/Designated Area
We note that no Minerals Safeguarding Areas have been proposed and as an operator of two active extraction sites within the District, this omission gives serious cause for concern. Paragraph 4.74 of the Draft Strategy states that mineral resources are:-

“...finite and those that are of economic or conservation value should be safeguarded to allow for future exploitation.” Surely all minerals are of economic value, otherwise it would not be financially viable to extract them? FODC has outlined its intention to define safeguarding areas and areas which may be suitable for mineral development. Whilst the principle of designating such areas is welcomed we would question why these have not been defined within the Plan Strategy. If the Planning Authority is of the opinion (based on the baseline information available) that it is appropriate to designate considerable areas of the District as ACMDs, then the same logic should apply to minerals safeguarding areas. As significant areas of constraint have already been proposed, we submit that the absence of any identified safeguarding/mineral reserve area is both incorrect and unbalanced.

Assessment of Draft Minerals Policies
One point of concern which runs through the minerals section of the Draft Strategy is the variety of references which are used to describe the value of minerals:-

“...valuable minerals such as gold, silver, lead and copper...” (Paragraph 4.72) “...mineral resources are finite and those that are of economic or conservation value should be safeguarded...” (Paragraph 4.74) “...the mineral is of high value...” (Policy MIN01, Criterion ix) Section 5.11 of Minerals Background Paper infers that the term “Valuable Minerals” refers to previous metals deposits only. Clarification of this issue is required, particularly in relation to the wording of policies MIN01 and MIN02. As a result of the current wording it is not entirely clear if these policies relate to all minerals or only precious metals. As stated above, all minerals which are currently extracted within the District are of economic value, otherwise it would not make financial sense to extract them. In relation to draft policy MIN02, the requirement for a

financial guarantee/bond is not fully explained or justified. As all modern minerals permissions are accompanied by appropriate restoration and aftercare conditions, the Council already has a suite of planning enforcement tools at its disposal to ensure that these tasks are undertaken. We are not aware of a previous requirement for financial guarantees when such decisions were made by DOE, nor are we aware of any similar policy proposal being put forward by other Councils. We are aware that UK Councils may request financial securities on occasion but is not standard practice. In England, such measures are only used when an application has previously failed to comply with restoration/aftercare requirements. We strongly oppose draft policy MIN02 for the following reasons:-

- Adequate enforcement powers already exist to secure restoration and aftercare goals, the requirement for financial guarantees is therefore not necessary;
- The cost of such a bond is likely to be significant, especially for a hard rock quarry where the duration of the works could be in excess of 20-25 years. Some of this additional cost would have to be passed onto customers, meaning that the price of aggregate in Omagh may be noticeably higher than that of a similar product in Cookstown (Mid Ulster) for example;
- The draft policy may be appropriate to a 'rogue' quarry operator which may attempt to avoid aftercare requirements. It would however represent an unnecessary punishment and a financial burden for responsible operators who have a track record of compliance and environmental responsibility;
- Draft policy MIN02 would have the result of increasing the cost of quarrying in Fermanagh and Omagh, compared to neighbouring council areas. Depending on the size of the operation and the amount of bond required, this could encourage mineral operators to relocate, outside the District. With respect to draft policy MIN03, we would again question why defined minerals safeguarding areas have not been included within the Draft Strategy. As a detailed boundary for the ACMD has already been defined then why has a similar exercise not been undertaken to protect known mineral deposits? In addition, draft policy MIN03 is silent on how these deposits will be identified and what parameters may be considered in defining the MSAs. We note that the policy clarification refers to the "...broad extent..." of mineral resources which are shown on the Mineral Resources Map of Northern Ireland. As previously stated, the Mineral Resources Map gives no consideration to existing surface development which may impede/sterilise the identified mineral deposits. For the above reasons, we submit that the Draft Plan Strategy is unsound as it is not founded on a robust evidence base and it has not taken account of previous representations and supporting information. We note that FODC intend to consult with the minerals industry and this is welcomed. Considering the deficiencies which have been identified in the baseline information, we suggest that this consultation should occur as a matter of urgency with individual minerals operators, not just with representative organisations. This direct consultation should have occurred at a much earlier stage of the Local Development Plan process.

Details

Modifications

Modifications

The baseline information, upon which the minerals policies are based, are fundamentally flawed. A robust database of existing/approved mineral reserves and potential mineral deposits must be collated before any draft policies are proposed which relate to constraining mineral development. In tandem with this, mineral safeguarding areas must also be defined.

Representation

Oral Hearing

Data Protection

Consent to publish response

Yes, with my name and/or organisation

Submission Date Time

12/17/2018 11:39 AM