



QPANI Response to Minerals Section of the Fermanagh Omagh District Council Preferred draft Plan Strategy

December 2018

Background

QPANI welcomes the opportunity to comment on the Fermanagh Omagh District Council Draft Plan Strategy. This response focuses fully on the sections 4.72 to 4.88 dealing with Minerals Development.

The QPANI is the principal trade association for the quarrying and quarry products industry in Northern Ireland affiliated to the Minerals Products Association (MPA) in the UK. Members of the QPANI produce over 90% of the Northern Ireland's primary aggregates, as well as the major proportion of other construction materials such as asphalt, ready mixed concrete, recycled and secondary aggregates, lime and silica sand.

Modern industrial society is, quite literally, built upon quarry products. Whether it is our physical built environment, our transport links or the wider infrastructure on which we all rely, aggregates are utterly essential to economic growth. If we want to improve the lives of people in Northern Ireland, it is vital that the contribution of our local quarrying industry is fully understood by those with the power to support it.

Quarrying in Fermanagh and Omagh

Minerals, by their nature, can only be extracted where they are found. What this means that the mineral holdings within your district may represent a competitive advantage for local businesses. Fermanagh and Omagh is Northern Ireland's most important producer of Limestone and sand and gravel. Stone from the district is a valuable resource in construction and farming.

Quarrying holds an important place in Fermanagh and Omagh's economy. Fermanagh and Omagh quarries employ more than 700 people, and extract over £11m of raw product every year – after processing this is worth £88m to the district's economy. Quarrying businesses balance economic expertise with environmental understanding - through a variety of schemes such as biodiversity plans and tree-planting, our members effectively offset their environmental impact.

Fermanagh and Omagh's quarrying industry provides responsible, mature business, and we would urge the Council to recognise this by adopting policies that help sustain this essential local industry for years to come.

Direct Comments on the Minerals Development Section

The Council are proposing to designate the whole of the Sperrins AONB as an Area of Mineral Constraint. QPANI are opposed to this as we believe it fails Procedural Test P3, Consistency tests C3 and C4 and Coherence and effectiveness tests CE2 and CE4.

We base this opposition on the following;

1. We are aware the Council carried out work with the Department for the Economy to assess the aggregate resources within the District using the Aggregate Resource Maps. We are aware the Department informed the Council Officials that if the Sperrins AONB within the Council Area was designated an Area of Mineral Constraint this would risk reducing the available resource of sand and gravel by some 92%. The Council obviously have not taken on board this evidence.
2. The Designation of the AONB as an area of mineral constraint is not compatible with the minerals strategy established in the Strategic Planning Policy Statement 2015 (SPPS) or in the Planning Strategy for Rural Northern Ireland (PSRNI). For example, Paragraph 6.155 of the SPPS states that: *"However, where a designated area such as an Area of Outstanding Natural Beauty (AONB) covers expansive tracts of land, the LDP should carefully consider the scope for some minerals development that avoids key sites and that would not unduly compromise the integrity of the area as a whole or threaten to undermine the rationale for the designation."* Furthermore, it does not appear to be compatible with the minerals policy as set out in the Rural Northern Ireland (MIN 4) or in relation to mineral deposits of high value. Paragraph 6.157 of the SPPS states clearly that there will not be a presumption against their exploitation in any area as follows: *"From time to time minerals may be discovered which are particularly valuable to the economy. Their exploitation may create environmental effects which are particular to the methods of extraction or treatment of that mineral. There will not be a presumption against their exploitation in any area, however in considering a proposal where the site is within a statutory policy area, due weight will be given to the reason for the statutory zoning..."*
3. In the Minerals Section of the Single Planning Policy Statement it states that Councils should *"safeguard mineral resources which are of economic or conservation value, and seek to ensure that workable mineral resources are not sterilised by other surface development which would prejudice future exploitation"*.

We believe that Council are failing the consistency test C3 in prematurely designating the entire Sperrins AONB an ACMD without showing the rationale for doing so based on the evidence obtained from the Department of the Economy through the resource maps and the evidence of annual production and aggregate resources under planning permissions gathered from local operators. QPANI would suggest that the lack of detail relating to Mineral Safe Guarding Areas (MSAs) leaves the dPS unsound. It is our strongly held view that without truly understanding the extent of reserves, it is not possible to robustly define Areas of Constraint on Minerals

Development. There are a number of existing Mineral Operations within the ACMD and these should be safeguarded.

4. The proposed dPS wording would indicate that the Council is seeking to protect the “visual and landscape amenity” of the AONB. However in contrast the Council is proposing that other forms of development will be acceptable within the Sperrins, including residential and agricultural development. Such developments can and will have a permanent visual impact on the appearance of the AONB, while well managed minerals operations through a process of progressive restoration in partnership with NGOs and the Councils Biodiversity Officer can contribute positively to local priority habitats and wildlife. However the Council has failed to consider these facts. We would suggest this shows significant inconsistency.
5. It is quite clear to us that FODC have failed to pay due regard to the PAC Report in to the Magherafelt Area Plan 2015. In this case the Department of the Environment, which was responsible for the preparation of the Plan at the time, were proposing that all areas which were subject to an environmental designation would be identified as an ACMD, irrespective of site circumstances. Like FODC, the area covered by the Magherafelt Area Plan contains widespread mineral deposits which contribute significantly towards the local economy. The Commissioner stated *“Such an approach does not suggest that adequate consideration has been given to balancing economic and environmental considerations. A similar exercise to that suggested for the environmental designations needs to be carried out in respect of the AONB, clearly setting out those areas most vulnerable to minerals development and limiting areas of constraint to those parts of the AONB where the protection afforded by MIN 2 and DES 4 is considered insufficient”*. As a result of the Commissioners report the proposal for the ACMD designation was deleted and the plan was amended accordingly. Also of major importance was that the proposal to introduce an ACMD within the Northern Area Plan was dropped by the Department as a result of the Commissioner decisions. This approach is also endorsed by the SPPS and it is clear that consideration should be given to the protection of key sites within designated sites when considering an ACMD. A detailed assessment of the key characteristics of the AONB and assessment of existing sites should be carried out in order to justify the extent of a proposed ACMD. This assessment should also take account of the fact that minerals resources can only be exploited where they are found. For this reason it is considered that the proposal to designate the AONB area as a ACMD conflicts with the SPPS and therefore fails to satisfy soundness test C3.

In addition,

1. QPANI would welcome clarity on the evidence base for the proposed 15 year restriction on mineral development in the proposed area of constraint. QPANI believes that each proposed minerals development should be assessed on its own merits through the planning process. If a mine development receives planning permission it seems illogical to place an arbitrary time limit on mining operations which could be well below the economic lifespan of that mine. The adoption of such a policy would create an uneven playing field across Northern Ireland as in the past five years a number of mineral planning applications have been granted ranging from 25 years to 40 years. Without the existence of an evidence base for this proposal we believe it fails against soundness test P3. The arbitrary timeframe also fails against soundness test CE4.
2. It would seem more than reasonable that where a resource is proved to be more than 15 years and it can be demonstrated that the extraction would not have a significant adverse

impact on the environment and local residents then that mining operation should not be restricted to only 15 years. This more practical approach would provide more certainty to operators and their employees on the long term security of their jobs.

3. We would also oppose the introduction of any restoration or aftercare bond without full and proper consultation with the Minerals Industry. Existing Planning Guidance in GB, <https://www.gov.uk/guidance/minerals#Restoration-and-aftercare-of-minerals> states;

When is a financial guarantee justified?

A financial guarantee to cover restoration and aftercare costs will normally only be justified in exceptional cases. Such cases, include:

- *very long-term new projects where progressive reclamation is not practicable, such as an extremely large limestone quarry;*
- *where a novel approach or technique is to be used, but the minerals planning authority considers it is justifiable to give permission for the development;*
- *where there is reliable evidence of the likelihood of either financial or technical failure, but these concerns are not such as to justify refusal of permission.*

Paragraph: 048 Reference ID: 27-048-20140306

Revision date: 06 03 2014

How and when should minerals planning authorities seek a financial guarantee?

Mineral planning authorities should seek to meet any justifiable and reasonable concerns about financial liabilities relating to the restoration of the site through agreeing a planning obligation or voluntary agreement at the time a planning permission is given.

Paragraph: 049 Reference ID: 27-049-20140306

Revision date: 06 03 2014

Conclusions

Having considered the draft Plan Strategy, in respect of Minerals, in our view it is flawed and requires significant more work and detail undertaken to establish the extent of existing mineral operations or known resources within the AONB so that they can be excluded from the proposed ACMD. The Council has failed to provide any additional information within the draft Plan Strategy on existing resources and it is our strongly held view that further detail should be given on the extent of resources and constraints to extraction to properly inform the decision on the proposed ACMD. We would further suggest that the Council should carry out a social and economic assessment on the potential loss of construction aggregate and valuable mineral reserves within the Sperrin AONB.

The proposal to introduce a 15 year timeframe should be removed and this reference revised to state 'short term' to align with the SPPS and facilitate a flexible approach to the consideration of applications on a case by case basis.

As stated above we believe the Draft Plan Policy fails on a number of counts.

1. Min 01 – Designation of the Sperrins AONB as an ACMD, fails on CE2, C3, P3 and CE4.
2. Min 02 - Restoration and Aftercare, fails on C3
3. MIN03 – Mineral Safeguarding Areas, fails on CE1 and CE2

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