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DfE RESPONSE TO THE FERMANAGH OMAGH DRAFT PLAN STRATEGY

The following is the response from Minerals & Petroleum Branch & the Geological Survey of Northern Ireland (MAPB/GSNI) within the Department for the Economy. The comments relate mainly to the Minerals Development section of the Draft Plan Strategy (DPS).

The DPS acknowledges the importance of minerals and clearly conveys the integral role raw materials play in our modern economy and society. However, this acknowledgment does not appear to have informed the planning options proposed.

MIN 01 Draft Policy - Mineral Development

MAPB/GSNI responded to the Planning Options Paper produced by Fermanagh Omagh DC (FODC) in December 2016. In that response we objected to the preferred option for addressing mineral development which imposed additional constraints which we indicated were not compatible with the minerals strategy established in the Strategic Planning Policy Statement (SPPS) or the Planning Strategy for Rural Northern Ireland (PSRNI). An information paper was provided to the FODC to differentiate between treatment of construction minerals and high value metalliferous minerals.

The proposed planning policies in the Draft Plan Strategy do not appear to have been reviewed in light of this feedback particularly in relation to the extensive areas of mineral constraint proposed.

The DPS proposes areas of constraint on minerals development over approximately 30% of the council area. Whereas the overall size of the area is not in itself an issue, the proposed areas of constraint do not appear to be supported by evidence that the 'essential' adequate and steady supply of minerals can be met from the remaining parts of the district. Large extents of sand and gravel are found in the Sperrin Mountains and FODC area also hosts the bulk of Northern Ireland's limestone resource and in particular the dolomitic limestone which is used in animal feed.

In a range of discussions over the last year with FODC, MAPB/GSNI provided clarification and information in relation to mineral development and mineral safeguarding. In particular, we provided maps and tools to FODC to enable an appropriate assessment to be made of the impact of any proposed planning options on the availability of local construction and other minerals to meet local needs and also to assess more broadly any impact on regional supply for such resources.

This additional information does not appear to have been used to inform the position in the DPS as there is no reference to any assessment of evidence to ensure that the planning policies proposed will not adversely impact on the supply of minerals to meet local and potentially regional demand.

In our response of December 2016, MAPB/GSNI also sought clarity on the evidence base for the proposed 15 year restriction on mineral development in the proposed areas of mineral constraint. The DPS does not provide any rationale for the arbitrary 15 year limit being applied to any mineral development within the ACMDs proposed.

There is no evidence to support the proposed 15 year time limit for mineral development that MIN01 proposes and paragraph 4.80 does not establish an evidential basis for this policy. The policy does not reflect on the impact of such a restriction on the development of quarries for aggregates required to meet essential demand for local construction.

It also fails to understand the economic model for the development of mines for high value metalliferous minerals despite this being set out in the DfE Information Paper on minerals supplied in our response of December 2016.

High value minerals may occur as veins or as a small percentage of the host rock and it is technically challenging and expensive to develop a mine to extract and process these minerals. With such high capital costs it would be unusual for underground mines to have a total lifespan – including construction and restoration - as short as 15 years. For example, in Ireland the Tara zinc-lead-silver mine started development in 1973, entered production in 1977 and is still operating in 2018 – a period of 45 years and counting. The Galmoy and Lisheen mines in Ireland had shorter projected lifespans from the outset but, in both cases Lisheen is still in production 21 years after development started whereas Galmoy had a complete lifespan of 20 years from start of development in 1995 to completion of restoration in 2015.

In summary, the DPS does not provide an evidential basis for the proposed areas of mineral constraint or the arbitrary maximum lifespan of 15 years on mineral development within ACMD. If the aim is to minimise the impact of a mineral development then this would be best achieved by good design and operational practice with appropriate mitigation measures, specific planning conditions and effective regulatory oversight and enforcement. Mineral developments are relatively few in number and it would be more appropriate to consider planning permission that is appropriate to the individual mine or quarry development under application.

MIN02 Draft Policy - Restoration and aftercare

MAPB/GSNI welcome this draft policy requiring restoration and aftercare to be factored into any mineral development proposal.

Mineral workings have been demonstrated to provide habitat for a wide biodiversity. With respect to metallic mineral operations, the potential for tourist attractions should be considered in addition to recreational after-use, following end of life of operations. This end of life option is supported by the existence of historic underground mine workings marketed as tourist attractions elsewhere, including in Great Britain.

MIN03 Draft Policy – Mineral Safeguarding Areas.

MAPB/GSNI have provided sufficient information to FODC to enable MSAs to be defined and we would have preferred to have seen some indication of areas of safeguarding in the DPS given the available information. However we look forward to working with FODC on the definition of MSA within the local plan policies.

MIN04 Draft Policy – Unconventional Hydrocarbon Extraction.

The wording of Draft Policy MIN04 – Unconventional Hydrocarbon Extraction is not consistent with either that applied to other Minerals Development in MIN01 or the text relating to the extraction of unconventional hydrocarbons in the SPPS.

In MIN01 it states that “The Council will support proposals for minerals development where it is demonstrated that they do not have an **unacceptable** adverse impact...” whereas the text in MIN04 states that “The Council will not permit exploitation of unconventional hydrocarbon extraction until it is proved that there would be **no** adverse effects on the environment or human health.”

Paragraph 6.157 of the SPPS states that “However, in relation to unconventional hydrocarbon extraction there should be a presumption against their exploitation until there is sufficient robust evidence on all environmental impacts”.

No evidence is given in the policy clarification in paragraph 4.89 to support the application of a policy that would require a development to prove that it would have **no** – i.e. zero – adverse effects on the environment. It is rare for any major development **not** to have the potential for some adverse effects on the environment or human health; but when considering such a development the planning process would assess any potential adverse effects in terms of their significance, extent and duration, the effectiveness of any mitigation measures and the potential benefits resulting from the proposed development. In fact, the second sentence of paragraph 4.89 is consistent with paragraph 6.157 of the SPPS but the wording of MIN04 extrapolates the policy of the SPPS further than is warranted by the available evidence.

It is recommended that MIN04 mirrors the wording in the SPPS with regard to the exploitation of shale gas but replaces the final phrase “.....on all environmental impacts” with the wording “on all associated impacts on the environment and human health.” This

would ensure consistency between the local planning policy (MIN04) and the strategic planning policy (paragraph 6.157 of the SPPS).

Paragraph 4.89 states “Given the potential and actual impacts on the environment and human health associated with the process...” this suggests that such impacts are inevitable whereas this is by no means the case. Although adverse effects on the environment and human health can be associated with shale gas production there is plenty of evidence in peer-reviewed scientific literature to demonstrate how effective measures can mitigate the risks to reduce them to an acceptable level.

DE02 - Land Stability

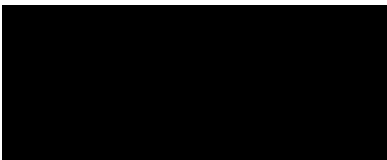
The DPS does not include consideration of potential hazards of land stability as outlined in Regional Planning Policy (PSU 10). PSU 10 states “account will be taken of known hazards of land instability which would affect the development site or would as a result of development pose a potential threat to neighbouring areas”.

Development areas that may potentially be affected by land instability include areas that contain abandoned mines, those susceptible to landslip and areas of compressible ground. Areas of soft alluvium and peat are classified as compressible ground. The District Council area contains twenty seven abandoned mine workings with the majority located within the greater Belleek area. It is important that ground conditions are considered during the planning process and outlined within the DPS.

DE02 – Design Quality (i) outlines “support (for) development proposals whichare sited and designed so as not to have an adverse impact on public safety”. This is to be welcomed, however the plan should incorporate clarification outlining public safety in the context of land stability to promote sustainable management of the built environment and safeguard against potential subsidence and the effects of instability.

Conclusion

In summary MAPB/GSNI considers MIN01 and MIN04 within the Minerals Section of the DPS to be unsound due to their incompatibility with the SPPS and PSRNI and due to a lack of supporting evidence.



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