

Counter-representations on Behalf of Dalradian Gold Ltd

April 2019

1. Introduction

1. This counter-representation is submitted on behalf of Dalradian Gold Ltd in response to representations received in response to the Council’s consultation on the draft Plan Strategy (dPS) in late 2018.
2. These counter representations relate to representations made under Regulation 15 and 16 of the Planning (Local Development Plan) Regulations (Northern Ireland) 2015 (‘the Regulations’). Under Regulation 17, the Council has made available copies of all representations received in response to consultation on the draft Plan Strategy. These counter representations are submitted under Regulation 18 as they relate to site specific representations. For the avoidance of doubt ‘site specific representations’ mean:
 - Representations to policies relating to any proposed designations which identify a particular area (site);
 - Representations to policies which could be applied to a site that could be subject to a planning application; and
 - Representations containing references or inferences to gold mining or related proposals for a site within the Council area.
3. These counter-representations should be read alongside Dalradian representation reference DPS271 and all of the information submitted with planning application reference LA10/2017/1249/F (available on the Planning Portal).

2. Counter-representations

4. This section outlines our counter-representations to comments received by FODC in response to consultation on the dPS.

Representation No.	Comments	Counter-representations
DPS022 RSPB	<p>Comments on Draft Policy MIN01</p> <p>Opposed to the supporting text in the dPS which refers to the potential to extend the lifetime of quarries/mines by way of a new planning application. They consider that this could allow for a piecemeal approach to development where proposals for less than 15 years will be used to bypass this policy test and then an extension sought at a later date.</p> <p>They are proposing that policy tests vii) to xi) of draft Policy MIN01 should also apply to applications to extend existing operations to avoid a policy loophole.</p>	<p>RSPB are seeking an amendment to Draft Policy MIN01 to include a maximum 15 year time restriction for the extraction of minerals and a removal of any potential to extend existing operations.</p> <p>The approach proposed by RSPB is unsound for the reasons set out at paragraph 4.23 to 4.35 of Draft Plan Strategy Representation Ref: DPS271</p> <p>For these reasons the approach proposed by RSPB fails against the soundness test and in particular CE2, CE4, P3 and C3.</p>
DPS028 Derry City & Strabane District Council	<p>Comments on Part 4 – Economy</p> <p>We note the proposed Area of Constraint on Mineral Development (ACMD) to apply across your section of the AONB. We also note the specifics of Policy MIN 01 and the criteria to be met to enable appropriate mineral development in the ACMD.</p> <p>Given the proximity and the many similarities between the rural parts of our two Districts, it particularly important that we and the other Sperrin AONB Councils continue to actively engage together and strive for designations/policy that will be co-ordinated across the entire AONB for these</p>	<p>Dalradian objects to the proposed ACMD and the specifics of Policy MIN 01 as they fail against soundness tests CE2, CE4, P3 and C3. The reasons are elaborated further in Section 4 Paragraphs 4.1 - 4.38 of Draft Plan Strategy Representation Ref. DPS271.</p>

and other relevant Planning issues.

Comments on Part 5 – Environment

Derry City and Strabane District Council would be supportive of Draft Policy L01 Development within the AONB.

The landscape of the unspoilt Sperrin AONB and the Glenelly Valley and its surrounding margins are significant assets for both Councils and their sensitive protection is to be welcomed. We would reiterate the importance of specific engagement by the other relevant Councils as part of the LDP progression when considering such areas of mutual overlap and importance.

Dalradian objects to the proposed Policy L01 as it is based upon flawed evidence as set out in Paragraph 5.8 to 5.17 of Draft Plan Strategy Representation Ref. DPS271.

The approach proposed by draft Policy L01 fails against soundness tests CE2, CE3 and C3 because it is based on flawed evidence and conflicts within the SPPS by prioritising environmental protection over the social and economic benefits that may arise from development.

DPS049
Causeway Coast & Glens
Borough Council

Minerals Development

Whilst the Council acknowledges that FODC will identify areas of economic or conservation value when more robust evidence is made available to them it does note a proposed 'blanket' Area of Constraint on Minerals Development (ACMD) which covers the whole area of the Sperrin AONB located within FODC administrative boundaries.

Dalradian objects to the proposed ACMD as it fails against soundness tests CE2, CE4, P3 and C3. The reasons are elaborated on further in Section 4 Paragraphs 4.1 - 4.38 of Draft Plan Strategy Representation Ref. DPS271.

DPS273
Friends of the Earth

Section 3: Precious Minerals

Requests that there should be a policy presumption against the exploration and extraction of precious minerals given their destructive impact on communities and the environment because:

- There is sufficient gold in circulation in the world to meet current need.
 - Paragraph 6.157 of the SPPS is exceptionally permissive and needs to be challenged by more sustainable policies in the LDP.
 - Evidence from around the world demonstrates that this sector extracts wealth from local economies and has adverse impacts on tourism and agriculture.
 - A 'plan-led' system means that the Council is not obliged to follow the permissive policy in the SPPS.
-

Dalradian objects to the approach proposed in representations DPS273 because it would conflict with the prevailing policy provisions within the SPPS which sets out that there will not be a presumption against the extraction of valuable minerals.

The approach proposed would therefore fail against soundness test C3.

Section 4: Quarries and Minerals

A moratorium should be placed on new extractive industries until:

- A review of PD Rights for exploration is undertaken and completed by the Department.
 - DfE or FODC carries out an SEA of the issuing of mineral licensing (it is currently in breach of the Environmental Assessment of Plans and Programmes Regulations (NI) 2004
 - A cumulative assessment of the impacts of all extractive industries in FODC is carried out to inform a baseline for future assessments;
 - A review of extant consents is undertaken;
 - An assessment of unregulated and previously unassessed extractive industries is undertaken;
 - A future needs assessment is carried out;
 - An independent economic assessment is carried out;
 - An assessment of existing extraction rates is undertaken;
 - ROMPS is implemented;
 - As assessment of human rights impacts in undertaken
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Dalradian objects to the proposal put forward in DPS273 that there should be a moratorium on new mineral developments. Proposals for the extraction of minerals are currently subject to prevailing policy set out in the SPPS and the relevant Planning Policy Statements and the Planning Strategy for Rural Northern Ireland and are therefore subject to a thorough planning assessment before being determined.

A moratorium on minerals extraction in the absence of the information set out in representation DPS273 would have a detrimental impact on an important sector of the Northern Ireland economy.

	<p>Paragraph 6.2</p> <p>We are deeply concerned about the permissive policy of supporting minerals in draft Policy MIN 01 and how you have portrayed these Areas of Constraint on Mineral Development (ACMD). To the public these areas would appear on the face of it to have a policy presumption (MIN01 Draft Plan October 2018) against development. However, the policy within this area of constraint is so permissive that it is disingenuous and misleading to the public.</p> <p>The policy exceptions within an ACMD are so generous that they are not exceptions. For example, if there is an extension to an existing mineral development, if it is less than 15 years old, if its high value etc then development can proceed even in an area of constraint. Some of these so-called exceptions are subjective and they will facilitate a company, such as a goldmining company, to easily achieve consent anywhere within your council area.</p>	<p>Dalradian objects to the assertion made in DPS273 that draft Policy MIN01 is too permissive. Dalradian sets out at Section 4 of Representation Ref. DPS271 that the proposed policy is too restrictive on the mineral sector as it applies a blanket presumption against mineral development across the full extent of the AONB within the FODC area. This designation is considered to fail against soundness tests CE2, CE4, P3 and C3.</p> <p>Furthermore Policy MIN 01 is too restrictive on the extraction of precious mineral extraction by virtue of an arbitrary timeframe for the extraction of precious minerals.</p>
	<p>Paragraph 6.3</p> <p>Areas of constraint such as ACMD's should have a definitive presumption against any extraction.</p> <p>In addition all ASSI's, SCA's, Ramsar Sites, areas of archaeological significance, AONB's, wetlands, watersheds should have a presumption against exploitation for all extractive industries.</p>	<p>Dalradian objects to the approach proposed in representation DPS273 because it would conflict with the prevailing policy provisions within the SPPS which sets out that there will not be a presumption against the extraction of valuable minerals. The approach proposed would therefore fail against soundness test C3.</p>
	<p>Paragraph 6.4</p> <p>The draft policy for Mineral Safeguarding Areas is incoherent. As these areas have not been identified this policy must be removed. It is neither logical nor acceptable to attempt to conduct an HRA and an SEA and yet assume that these areas can be introduced at some stage in the future without being adequately assessed for their impacts. This policy effectively condemns residents of your area to live under the threat of their land being sterilised because of the prospect of a future designation that gives supremacy to minerals over farming, tourism, nature conservation and the rights of residents. This is highly draconian, potentially unlawful and is contrary to the Aarhus convention and represents the antithesis of sustainable development.</p>	<p>Dalradian objects to the removal of Mineral Safeguarding Areas (MSA) from the dPS. To not include such areas would mean that Policy MIN 03 would fail against soundness test CE1.</p> <p>MSAs should be identified at this stage of plan to ensure that there is no conflict with the proposed ACMD. As set out in Representation Ref. DPS271, it is recommended that the Council actively engage with the mineral sector, GSNI and operators to determine the extents of the MSAs within the district before progressing the dPS further.</p>
<p>DPS052 & DPS053</p>	<p>The draft Plan seems to be allowing goldmining anywhere and not giving protection to stop any piece of land being designated as having a need for mineral exploration even if it has been designated as important.</p>	<p>The dPS proposes an ACMD within which there will be a presumption against mineral development. Dalradian objects to the extent of the proposed ACMD and associated draft Policy. It is incorrect for Representation DPS052 & 053 to state that mineral activity will be unrestricted, and Dalradian objects to that assertion.</p> <p>Furthermore, mineral extraction outside of the proposed ACMD and valuable mineral extraction is restricted by the provisions of draft Policy MIN 01 in that only development which will not have an unacceptable adverse impact on criterion i) to vi) will be permitted.</p>
<p>DPS102 - Save our Sperrins; DPS054; DPS071; DPS072; DPS073; DPS074; DPS093; DPS094; DPS096; DPS097; DPS098; DPS100; DPS101; DPS103; DPS114; DPS122; DPS136; DPS146;</p>	<p>Despite referring to the need to afford environmental protection to the Sperrins the dPS goes on to allow for the possibility of gold-mining anywhere.</p>	<p>The dPS proposes an ACMD within which there will be a presumption against mineral development. Dalradian objects to the extent of the proposed ACMD and associated draft Policy. It is incorrect for these representations to state that mineral activity will be unrestricted, and Dalradian objects to that assertion.</p> <p>Furthermore, mineral extraction outside of the proposed ACMD and valuable mineral extraction is restricted by the provisions of draft Policy MIN 01 in that only</p>

<p>DPS147; DPS148; DPS149; DPS150; DPS151; DPS152; DPS153; DPS155; DPS157; DPS171; DPS185; DPS186; DPS222; DPS225; DPS226; DPS234; DPS235; DPS240; DPS241; DPS242; DPS243; DPS262; DPS263; DPS272; DPS280; DPS281; DPS282 -</p>	<p>dPS fails to acknowledge that gold mining is an unsustainable activity and fails to acknowledge the toxic impact of highly poisonous substances. It fails to acknowledge the incompatibility of gold mining and 'preserving and improving' the AONB.</p>	<p>development which will not have an unacceptable adverse impact on criterion i) to vi) will be permitted.</p> <p>Dalradian objects to this statement, made in duplicate representations as it is not supported by any evidence to demonstrate that gold mining is unsustainable or that the extraction of gold is incompatible with the AONB.</p> <p>Representation Ref. DPS271 paragraph 4.14 and 4.15 summarises the LVIA associated with the proposed mineral extraction facility at Curraghinalt, demonstrating that there will not be a significant adverse impact on the AONB.</p>
<p>Co-operation Against Mining in Omagh; DPS283; DPS284; DPS287; DPS288; DPS289; DPS290; DPS291; DPS293; DPS295; DPS296; DPS297; DPS298; DPS299; DPS300; DPS301; DPS302; DPS303;</p>	<p>Draft Policy TOU01: The draft policy should specifically include a statement "that in view of the intolerable risk of enduring environmental damage, precious mineral mining will not be permitted in or close to the Sperrins AONB or in areas hydraulically linked to protected waterways, wells or reservoirs.</p>	<p>Dalradian objects to the proposal put forward as it would conflict with the prevailing planning policy set out in the SPPS which sets out that there will not be a presumption against the extraction of valuable minerals. To include the proposed wording would mean that the policy would fail against soundness test C3.</p> <p>Furthermore, draft Policy MIN01 will require that mineral development will only be permitted where it is demonstrated that it will not have an 'unacceptable adverse' impact on the natural or water environment.</p>
<p>DPS304; DPS305; DPS306; DPS307; DPS308; DPS309; DPS310; DPS311; DPS313; DPS314; DPS315; DPS316; DPS286; DPS276</p>	<p>The Draft LDP fails to acknowledge that this "Omagh Sperrins" is an area identified by GSNI as high in radon gas. Mining for gold in such an area would release more radioactive contaminants into the air causing additional cancers.</p>	<p>Dalradian objects to this statement. There is no supporting evidence provided. Furthermore draft Policy MIN01 will only permit proposals for mineral extraction where it can be demonstrated that there will be no unacceptable adverse impact on public safety and human health.</p>
	<p>It is disingenuous of FODC to talk about Areas of Constraint on Mineral Development! People reading it would initially think that these are Areas where the Council would protect the environment from mining, but unfortunately this is not the case - they are Areas where the Council would allow vultures in, to plunder our natural resources, ruin our beautiful landscape and damage our health, water and air.</p>	<p>The dPS proposes an ACMD within which there will be a presumption against mineral development. Dalradian objects to the extent of the proposed ACMD and associated draft Policy. It is incorrect for these representations to state that mineral activity will be unrestricted, and Dalradian objects to that assertion.</p> <p>Furthermore, mineral extraction outside of the proposed ACMD and valuable mineral extraction is restricted by the provisions of draft Policy MIN 01 in that only development which will not have an unacceptable adverse impact on criterion i) to vi) will be permitted.</p>
	<p>There should be absolutely no mineral development in ACMD or any part of the Council District.</p>	<p>Dalradian objects to the proposal put forward as it would conflict with the prevailing planning policy set out in the SPPS which sets out that there will not be a presumption against the extraction of valuable minerals. To include the proposed wording would mean that the policy would fail against soundness test C3.</p>
	<p>Comments Draft Policy MIN04- Unconventional Hydrocarbon Extraction Mining is similar to fracking and I would urge the Council to adopt a presumption against the granting of planning permission for mining of precious metals anywhere in the Council area.</p>	<p>Dalradian objects to the proposal put forward as it would conflict with the prevailing planning policy set out in the SPPS which set out that the responsible exploitation of minerals is supported. Furthermore the SPPS sets out that there will not be a presumption against the extraction of valuable minerals. To include the proposed wording would mean that the policy would fail against soundness test C3.</p>

	<p>Comments on Draft Policy HE02-Archaeology</p> <p>Development proposals which would adversely affect archaeological remains of regional importance or the integrity of their settings should not be permitted in any circumstances because of the intrinsic historical and cultural value of such remains.</p>	<p>Dalradian objects to the proposed revision to the draft policy wording as it would conflict with the SPPS, which allows for development in exceptional circumstances. The introduction of the proposed working would fail against soundness test C3.</p>
<p>DPS109</p>	<p>Comments on MIN 1 Minerals Development</p> <p>The policy should state that cyanide will not be permitted so that it reflects the European Union Resolution of 27 April 2017 on the implementation of the Mining Waste Directive</p>	<p>Regarding the specific resolution referred in Representation Ref DPS051 we would refer the Council to the EU Commission Final Report dated July 2017 which post-dates the resolution referenced. Within this report the Executive Summary states:</p> <p><i>“Regarding cyanide-based gold extraction techniques, it was concluded that cyanide-based techniques remain the dominant technology used for gold production in the EU. Whilst alternative reagents have been tested and some of them have been developed to commercial scale outside the U, the appropriateness and applicability of alternative reagents and processes is governed by ore types and alternative reagents are not without their own technical, environmental and economic issues. In reviewing the availability and the status of commercial application of alternatives to cyanide-based technologies, there does not appear to be a clear alternative that can replace cyanide-based technologies as BAT at the present time. There has not been a material change in the application and use of alternatives to cyanide-based technologies since 2010, hence the introduction of an EU-wide ban would still imply the closure of existing mines.”</i></p> <p>It is therefore clear that the use of cyanide is the Best Available Technique for mining.</p> <p>The introduction of a restriction on the use of cyanide as a form of mineral extraction is not endorsed within the SPPS or the Planning Strategy for Rural Northern Ireland. As such a policy to this effect would be inconsistent with prevailing regional policies and would therefore fail against soundness test C3.</p>
<p>DPS113 Historic Environment Division</p>	<p>Propose the following wording in MIN01 “The Council will support proposals for minerals development where it is demonstrated that they do not have an unacceptable adverse impact upon:”</p>	<p>Dalradian objects to the revision proposed. As set out Section 4 of Representation Ref. DPS271 Dalradian proposes that the wording should be revised to state: <i>“The Council will support proposals for mineral development where it is demonstrated that they do not have a significant adverse impact upon...”</i></p> <p>This would provide clarity on what is required from the applicant.</p>
<p>DPS239</p>	<p>I would like to formally table my grave concern about the policies condoning unlimited gold mining across the district. Why would you not have very specific policies that limit mining rights in favour of protecting our environment, the integrity of our water supplies and protection of our health?</p> <p>On what basis would you condone the Dalradian planning application for the biggest cyanide mine in Europe within an Area of Constraint on Minerals Development and right beside the main water supply for the biggest town in your area of control?</p>	<p>The dPS proposes an ACMD within which there will be a presumption against mineral development. Dalradian objects to the extent of the proposed ACMD and associated draft Policy. It is incorrect for these representations to state that mineral activity will be unrestricted, and Dalradian objects to that assertion.</p> <p>Furthermore, mineral extraction outside of the proposed ACMD and valuable mineral extraction is restricted by the provisions of draft Policy MIN 01 in that only development which will not have an unacceptable adverse impact on criterion i) to vi) will be permitted. This includes consideration of the impacts on natural</p>

	Exception criteria is broad and complicit in support of gold mining rights over human impact.	environment, water and human health.
DPS256 Green Party	The plan provides no impediment to current threats from extractive industries to the District's community and environment, and as such we urge the political representatives on the Council to reject it.	The dPS proposes an ACMD within which there will be a presumption against mineral development. Dalradian objects to the extent of the proposed ACMD and associated draft Policy. It is incorrect for these representations to state that mineral activity will be unrestricted, and Dalradian objects to that assertion.
DPS277 National Trust	In light of government advice, we propose that Policy MIN01 is re-worded to set a clear presumption against mineral development in ACMD and only in exceptional circumstances should such proposals be allowed.	Dalradian objects to the proposed ACMD and associated policy as it fails against soundness tests CE2, CE4, P3 and C3. The reasons are elaborated further in Section 4 Paragraphs 4.1 - 4.38 of Draft Plan Strategy Representation Ref. DPS271
DPS047 Mid Ulster Council	Support the decision of FODC to introduce ACMDs as they are in keeping with the SPPS and aligns with discussions of the Sperrins and Cross Border forums.	Dalradian objects to the proposed ACMD as it fails against soundness tests CE2, CE4, P3 and C3. The reasons are elaborated further in Section 4 Paragraphs 4.1 - 4.38 of Draft Plan Strategy Representation Ref. DPS271
DPS051	The use of cyanide for mining purposes should be forbidden. This is consistent with the European Parliament resolution of 27 April 2017 on the implementation of the Mining Waste Directive (2006/21/EC). (566 MEP's voted in favour; 8 voted against).	Regarding the specific resolution referred in Representation Ref DPS051 we would refer the Council to the EU Commission Final Report dated July 2017 which post-dates the resolution referenced. Within this report the Executive Summary states: <i>"Regarding cyanide-based gold extraction techniques, it was concluded that cyanide-based techniques remain the dominant technology used for gold production in the EU. Whilst alternative reagents have been tested and some of them have been developed to commercial scale outside the U, the appropriateness and applicability of alternative reagents and processes is governed by ore types and alternative reagents are not without their own technical, environmental and economic issues. In reviewing the availability and the status of commercial application of alternatives to cyanide-based technologies, there does not appear to be a clear alternative that can replace cyanide-based technologies as BAT at the present time. There has not been a material change in the application and use of alternatives to cyanide-based technologies since 2010, hence the introduction of an EU-wide ban would still imply the closure of existing mines."</i> It is therefore clear that the use of cyanide is the Best Available Technique for mining. The introduction of a restriction on the use of cyanide as a form of mineral extraction is not endorsed within the SPPS or the Planning Strategy for Rural Northern Ireland. As such a policy to this effect would be inconsistent with prevailing regional policies and would therefore fail against soundness test C3.

Contact
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11 April 2019

DALB3001



Fermanagh & Omagh
 District Council
 Comhairle Ceantair
 Fhear Manach agus na hÓmaí

Fermanagh & Omagh Draft Plan Strategy - Counter Representations Form

Hard Copies of the Draft Plan Strategy, all Representations received and our ‘Guidance note for Making Counter Representations’ are available for inspection during normal opening hours at the Council’s offices at: 7 Shore Road, Enniskillen, BT74 7EF; Strule House, 16 High Street, Omagh BT78 1BQ; The Grange, Mountjoy Road, Lisnamallard, Omagh, Co Tyrone, BT79 7BL and; Townhall, 2 Townhall Street, Enniskillen, Co Fermanagh, BT74 7BA or may be viewed at <https://www.fermanaghomagh.com>

How to make Counter Representations

You can make counter representations by completing this form, by email to developmentplan@fermanaghomagh.com or by post to: Local Development Plan Team, Strule House, 16 High Street, Omagh BT78 1BQ.

For further assistance contact: developmentplan@fermanaghomagh.com or Tel: 0300 303 1777

SECTION 1. Contact Details

Agent or Personal Submission - Are you submitting on behalf of someone or in an individual capacity?

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

First Name Brian
Last Name Kelly
Job Title (Where relevant) Managing Director
Organisation (Where relevant) Dalradian Gold Ltd
Address 3 Killybrack Road, Killybrack Business Park, Omagh

Postcode BT79 7DG
Telephone Number 02882 846289
Email Address bkelly@dalradian.com

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 Emma
Last Name Walker
Job Title (Where relevant) Associate Director
Organisation (Where relevant) Turley
Address Hamilton House, 3 Joy Street, Belfast

Postcode BT2 8LE
Telephone Number 02890 723900
Email Address emma.walker@turley.co.uk

SECTION 2. Counter Representation

Have you submitted a representation to the council regarding the Draft Plan Strategy?

Yes **No**

If yes, please provide the Reference Number of your representation and a summary of the issue raised in your representation below.

Draft Plan Strategy Representation reference No. DPS271
The Draft Plan Strategy (dPS) is unsound as the legal compliance tests have not been met. Furthermore, the Sustainability Assessment (SA) provided in support of the dPS is fundamentally flawed. Taken together, these flaws render the dPS in its entirety unsound as soundness test P3 cannot be met.

Draft Policy MIN01
The draft policy conflicts with and is inconsistent with the approach set out in prevailing regional policy. The draft policy would result in the unjustified sterilisation of large areas of mineral resource. Dalradian opposes the introduction of a 15 year restriction on the extraction of minerals within an ACMD as this has no basis in regional policy. It does not reflect the operational practices of the minerals sector and is not justified. The draft policy is unsound as it fails tests CE2, C3 and CE4.

Draft Policy MIN02
This draft policy is more onerous than the existing policy position set out in prevailing regional policy as it proposes that materials for the infill and restoration of sites should be sourced from within the site. This draft policy is not in conformity with the SPPS and therefore fails soundness test C3.

Draft Policy MIN03

The failure to detail Mineral Safeguarding Areas (MSAs) is inconsistent with the decision to identify ACMDs. Without properly understanding the extent of reserves, it is not possible to robustly define areas of ACMDs, as existing operations and known mineral resources will and do exist within these areas and should be safeguarded. The draft policy fails soundness tests CE1 and CE2

Draft Policy TOU01

The draft policy is in conflict with and inconsistent with the approach set out in prevailing regional policy. The draft policy is unjustified. The draft policy fails to meet soundness tests C3, CE2 and CE3.

Draft Policy HE02

The Council is proposing an extension to the Beaghmore ASAI on the basis of a proposal from DfC HED to extend the ASAI. The proposed extension is not justified. The draft policy fails soundness test CE3.

Draft Policy L01

The draft Policy is based on flawed evidence. The draft policy is contrary to and inconsistent with the provisions of the prevailing regional policy. It fails soundness tests CE2 and CE3.

Draft Policy PU02

This draft policy does not provide sufficient flexibility to assess proposals for overhead powerlines associated with minerals developments which are often time limited and subject to restoration requirements. The draft policy fails soundness test CE3 and CE4.

Draft Policy TR06

The Council is proposing a policy that would prohibit development where it would prejudice the reuse of disused routes as a transport route or a recreational, nature conservation or tourism-related use. The draft policy is unsupported by evidence. The draft policy fails against soundness test CE2.

Draft Policy HOU9

The Council asserts that development of replacement dwellings is an opportunity to upgrade housing stock whilst minimising landscape and visual impact, however no evidence or assessment has been provided to support this statement. Furthermore, applicants seeking permission for this type of development will not be required to submit a visual assessment of their development. The draft policy therefore fails against soundness tests CE2 and CE3.

Draft Policy HOU11

There is insufficient evidence to support this draft policy. The draft policy is inconsistent with current regional policy. The policy fails against soundness tests C3 and CE2.

Draft Policy HOU13

This draft policy is inconsistent with prevailing regional policy. Regional policy does not include such a policy requirement or identify that LDPs should include policies for such purposes. The policy fails against soundness test C3.

Draft Policy HOU15

This draft policy is inconsistent with the prevailing regional policy. Regional policy does not include such a policy requirement, nor does it identify that LDPs should include policies for such purposes. The policy fails against soundness test C3.

Continue on a separate sheet if necessary)

Details of Your Counter Representation

Please provide the reference number of the site-specific representation to which your counter representation relates to:

See Attached Counter-representation

Please give reasons for your counter representation having particular regard to the soundness test(s) identified in the above referenced site-specific representation. Please note that your counter representation must not propose any new changes of the draft Plan Strategy.

Click or tap here to enter text.

See Attached Counter-representation

(Continue on a separate sheet if necessary)

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 19 of the Planning (Local Development Plan) Regulations (Northern Ireland) 2015, the council must make a copy of any counter representation available for inspection. The Council is also required to submit the counter 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 Publish Response

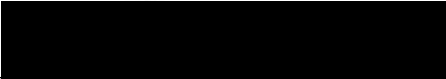
The Council is required by law to publish your representation and make it available for inspection. Unless otherwise stated by yourself, this will include your name and postal address. Your personal telephone number, personal email address and signature will not be published.

If you do not wish for your name and postal address to be published please tick the box below.

Please do not publish my name and postal address

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.

Signature



Date

8 May 2019
