

Submissions to the Local Development Plan Counter-representation process

CRDPS059

Lynda Sullivan <lynda.sullivan@foe.co.uk>

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To: Development Plan <developmentplan@fermanaghomagh.com>;

 3 attachments (153 KB)

27.06.19 FODC LDP Counter-representation to QPANI by Friends of the Earth NI .pdf; 27.06.19 FODC LDP Counter representation to Dalradian Gold Ltd by FOE NI.pdf; 27.06.19 FODC LDP Counter-representation to Crown Estate by Friends of the Earth NI .pdf;

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Dear Local Development Plan Team,

Please accept the following documents as representations to the Counter-representation process. The documents refer to submissions by QPANI, Dalradian Gold Ltd, and the Crown Estate.

Many thanks,

Lynda Sullivan
Activism and Community Campaigns Officer

Friends of the Earth
7 Donegall Street Place
Belfast
BT1 2FN
Tel: 028 90233488

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Counter-representation to Dalradian Gold Ltd (DPS271 Dalradian Gold Ltd) by Friends of the Earth NI

Friends of the Earth NI submits this counter-representation in which it rejects the Draft Plan strategy Representation of Dalradian Gold Ltd (DPS271 Dalradian Gold Ltd). We reject: Dalradian's objection and amendment to Draft Policy MIN01 – Minerals Development, Dalradian's objection and amendment to Draft Policy MIN02 – Restoration & Aftercare and Dalradian's amendment to Draft Policy MIN03 – Mineral Safeguarding Areas.

Dalradian object, within point 4.1, the entirety of draft Policy MIN01 and the designation of the Sperrins AONB as an ACMD on the grounds that the designation is not sound nor consistent with regional policy and would result in sterilisation of large areas of known mineral resource within the District. They claim this is in conflict with regional policy regarding minerals development as it would restrict development; they believe this is contrary to what regional policy suggests.

We argue that the ACMD designation is entirely necessary and justified given the protection an AONB affords its designated area. Designating the AONB as an ACMD is consistent with regional policy as it will protect designated sites/areas from unacceptable harm that minerals development would bring. There is more than sufficient evidence to show the ecological, archaeological, cultural and social importance of the Sperrins AONB. It includes wetlands, river catchments, ASSI and SPA sites. This is the evidence that is relevant in the assignment of an ACMD.

Thus, we strongly reiterate that the Council's Draft policies are already overly permissive for mineral extraction, that the ACMD is necessary and should not include any exceptions. The Council should disregard Dalradian's objection to the ACMD designation as the argument is not sound.

Dalradian continue to suggest an amendment to policy wording in points 4.3 & 4.4. Dalradian claim the word 'significant' should be used rather than 'unacceptable' as this is more consistent with SPPS. We argue that the amendment made by Dalradian to reword the policy should also be disregarded as the word 'significant' is excessively favourable to minerals development and dangerously permissible.

Instead we ask for more clarity around the word 'unacceptable': unacceptable to whom - the developer or the community? We stress that what is unacceptable should be judged by the local communities.

We would like to take this opportunity to remind the Council of the motion [Goldmine and Processing Plan (LA10/2017/1249/F)], passed on 5 February 2019 stating:

“This Council opposes plans to develop a goldmine and processing plan (LA10/2017/1249/F) in the Sperrins and wider region. Given then serious health and environmental risks involved, this Council is opposed to the use of cyanide for mining purposes, which also contravenes the European Parliament resolution of 27 April 2017 on the implementation of the Mining Waste Directive (2006/21/EC).

And in view of the environmentally highly sensitive nature of the Sperrins environment that this Council calls for 'Permitted Development Rights' to be

abolished forthwith for precious mineral exploration and for this to be effected through the appropriate legislation”.

The local communities, and the Council itself, clearly deem Dalradian’s planning application for a gold mine and cyanide processing plant at Curraghinalt and the possible risks of destructive impacts on communities, landscapes and ecosystems as unacceptable.

Dalradian continue in point 4.23 to object to the 15-year time limit that criteria xi features as this approach is not found within the SPPS, does not reflect the operational practices of the minerals sector and is unjustified by evidence. The dPS is under no obligation to take into consideration the ‘practices of the minerals sector’ and has the discretionary power to implement a restriction. Planning is carried out in the interest of the people; not in the interest of the extractives industry.

We reject the objection by QPANI regarding restoration and aftercare bond or other financial provision. We support the Council’s Draft Policy, which states: ‘a restoration and aftercare bond or other financial provision will be required to ensure full restoration and reinstatement of the site should the developer fail to implement the previously agreed restoration plan.’ We believe this draft policy to be consistent with the Local Development Plan’s aims and objectives.

Finally, we object to Dalradian’s amendment to draft Policy MIN03 - Mineral Safeguarding Areas. We would argue, as stated in our original representation, that draft Policy MIN03 should be removed. As the dPS stands, the policy of promoting MSAs but designating the areas at a later date simply condemns residents of the 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. Dalradian’s amendment to draft Policy MIN03 should therefore be entirely disregarded.

Therefore, we reject completely Dalradian’s arguments for more permissive and extractive friendly policies, and amendments to draft Policies MIN01, MIN02 & MIN03. We argue that the Council’s Draft policies are already overly permissive to the extraction industry and, as detailed in our original representation (DPS273 Friends of the Earth), we reject all proposals for gold mining and indeed any metalliferous and other mining until the conditions detailed in 2.0, 3.0 and 4.0 of our representations are met.

Counter-representation to Crown Estate (DPS021 Crown Estate) by Friends of the Earth NI

Friends of the Earth rejects the representation of Crown Estate (DPS021 Crown Estate), specifically its objection to Draft Policy MIN01 -namely the 15-year constraint on extraction within the AONB.

We would instead strongly reiterate that the Council's Draft policies are already overly permissive to the extractive industries and that ACMDs should not include any exceptions. Thus, the following exceptions should be removed:

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.

Additionally, we object to The Crown Estate's support for Mineral Safeguarding Areas, based on research by GSNI, for reasons already specified on our original representation (DPS273 Friends of the Earth), specifically within 6.0. Also, already specified, we reject all proposals for gold mining and indeed any metalliferous and other mining until the conditions detailed in 2.0, 3.0 and 4.0 of our representation are met.

We also take this opportunity to remind the Council of the motion [Goldmine and Processing Plant (LA10/2017/1249/F)], passed on 5 February 2019, stating:

"This Council opposes plans to develop a goldmine and processing plant (LA10/2017/1249/F) in the Sperrins and wider region. Given the serious health and environmental risks involved, this Council is opposed to the use of cyanide for mining purposes, which also contravenes the European Parliament resolution of 27 April 2017 on the implementation of the Mining Waste Directive (2006/21/EC).

And in view of the environmentally highly sensitive nature of the Sperrins environment that this Council calls for 'Permitted Development Rights' to be abolished forthwith for precious mineral exploration and for this to be effected through the appropriate legislation".

We encourage the Council to reflect this Motion in its Local Development Plan and remind the Crown Estate that its granting of permissions for gold and silver exploration directly contradicts the wishes of the Council and the local communities. The Crown Estate should also be reminded that due to the fact that no Strategic Environmental Assessment has been carried out for the licencing regime, we assert that this regime, and all licences issued under it, are in breach of the European Strategic Environmental Assessment Directive, and the Environmental Assessment of Plans and Programmes Regulations (Northern Ireland) 2004.

Counter-representation to QPANI (DPS105 QPANI) by Friends of the Earth NI

Friends of the Earth rejects the representation of QPANI (DPS105 QPANI) on a number of grounds.

Firstly, we reject QPANI's objection to the designation of the Sperrins AONB as an Area of Constraint for Mineral Development. We believe this designation is sound and necessary.

QPANI claim, within Points 1, 2, 3 & 5, that the Council has not considered available data regarding aggregate resources within the district council area and that designating the AONB as an ACMD is incompatible with SPPS and PSRNI and leaves the dPS unsound and inconsistent. We assert that there is more than sufficient evidence to show the ecological, archaeological, cultural and social importance of the Sperrins AONB. It includes wetlands, river catchments, ASSI and SPA sites. This is the evidence that is relevant in the assignment of an ACMD. Thus, we strongly reiterate that the Council's Draft policies are already overly permissive for mineral extraction, that the ACMD is necessary and should not include any exceptions.

QPANI continue in Point 4 to address the impact minerals development would have on the "visual and landscape amenity" of the AONB. QPANI claim the Council is accepting of residential or agricultural development in the Sperrins yet not of minerals development. QPANI claim this shows inconsistency. We would argue that comparing a residential development to a large-scale destructive mineral development is not a sound argument. It is instead invalid and illogical.

Secondly, we reiterate that the proposed policy of Mineral Safeguarding Areas should be scrapped. As the dPS stands, the policy of promoting MSAs but designating the areas at a later date simply condemns residents of the entire Council 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. We would note that this would be contrary to the aims of the Draft Plan which seek to balance social, environmental and economic aspects of society and if considered would be inconsistent.

As detailed in our original representation (DPS273 Friends of the Earth) we call for a moratorium on all new extraction projects until the conditions detailed in 4.0 of our representation are met.

Finally, we reject the objection by QPANI regarding restoration and aftercare bond or other financial provision. We support the Council's Draft Policy, which states: 'a restoration and aftercare bond or other financial provision will be required to ensure full restoration and reinstatement of the site should the developer fail to implement the previously agreed restoration plan.' We believe this draft policy to be consistent with the Local Development Plan's aims and objectives.

We also take this opportunity to remind the Council of its motion [Goldmine and Processing Plant (LA10/2017/1249/F)], passed on 5 February 2019, stating:
"This Council opposes plans to develop a goldmine and processing plant (LA10/2017/1249/F) in the Sperrins and wider region. Given the serious health and environmental risks involved, this Council is opposed to the use of cyanide for mining purposes, which also contravenes the European Parliament resolution of 27 April 2017 on the implementation of the Mining Waste Directive (2006/21/EC).

And in view of the environmentally highly sensitive nature of the Sperrins environment that this Council calls for 'Permitted Development Rights' to be abolished forthwith for precious mineral exploration and for this to be effected through the appropriate legislation".

We encourage the Council to reflect this Motion in its Local Development Plan and we urge QPANI to respect the wishes of the Council and the local communities of the Sperrins.