

**THE QUARRY PRODUCTS ASSOCIATION
NORTHERN IRELAND**



**OBJECTIONS TO DRAFT BANBRIDGE /NEWRY
AND MOURNE AREA PLAN 2015**

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1.00 INTRODUCTION

The Quarry Products Association (QPA) is the professional body representing companies producing over 90% of Northern Ireland's aggregate needs. The Association represents companies engaged in the supply of primary aggregates, the processing of recycled and secondary materials; the production of down stream processed products such as coated roadstone, lime, mortar, ready-mixed and precast concrete and road surfacing contracting.

- 1.01 This response will give QPA's views in general to the strategic element of mineral planning policy in Northern Ireland and to the approach adopted in the Banbridge & Newry & Mourne Area Plan 2015 (BNMAP) to the introduction of Areas of Constraint on Mineral Development (ACMD).
- 1.02 It welcomes the opportunity given by the publication of the Draft Banbridge & Newry and Mourne Area Plan 2015 to allow QPA to make representations/objections in general to the BNMAP references to mineral planning and in particular to the introduction of a policy in relation to ACMD.

2.00 MINERAL PLANNING POLICY IN NORTHERN IRELAND.

- 2.01 Minerals make a significant contribution to Northern Ireland's prosperity and quality of life not least in helping to create and develop sustainable communities. It is important that there is an adequate supply of raw material to provide the infrastructure, buildings, and goods that society, industry and the economy needs. However, there is potential conflict between the benefits to society that minerals supply can bring and the impacts that this process may have on the environment. Minerals planning should aim to provide a framework for meeting the nation's need for minerals in the most sustainable way by achieving the best practicable balance of social, environmental and economic considerations and a prudent use of natural resources.
- 2.02 The Government believes that Northern Ireland needs an active and efficient construction industry to secure its future economic and social development. This is emphasised in the Department for Regional Development's Regional Development Strategy (RDS) for Northern Ireland 2025. It is also acknowledged that: *"Today's society requires construction aggregates and without such minerals there would be very little development"*. It cannot be emphasised strongly enough how important a supply of such aggregates is to the Northern Ireland regional economy. Government policy and planning policy should not inhibit

necessary development through lack of supply of essential materials while at the same time it is recognised that to extract and handle aggregates requires such operations to be carried out to the highest environmental standards.

2.03 Strategic Planning Framework, which is intended to shape the future of Northern Ireland over the next 25 years, contained in the Regional Development Strategy for Northern Ireland 2025 was endorsed by the Northern Ireland Assembly in 2001. The RDS provides an overarching strategic framework to help achieve a strong spatially balanced economy, a healthy environment and an inclusive society. Among its guiding principles are inter-alia the:

- Effective protection of the environment;
- Prudent use of natural resources; and
- Maintenance of high and stable levels of economic growth and employment.

Here prudent use natural resources include mineral resources. No-one would dispute that their exploitation needs to be carried out within the concept of “sustainable development”. However, mineral workings can never be entirely reversed and so there needs to be a balance of the use of such resources against the effects that their development would have on the environment.

2.04 Policy SPG RN1 1 of the RDS seeks “to maintain a working countryside with a strong mixed use rural economy”. Policy SPG RN1.2 seeks to “facilitate the development of rural industries, businesses and enterprises in appropriate locations and, ensure they are satisfactorily integrated with the settlement or rural landscape”

2.05 Within this context the RDS promotes the “use of minerals for economic development in a sustainable manner and in a way which assesses the need to exploit the mineral resource against the need to protect and conserve environmental resources”. (Page 96). This is the only reference in the RDS to mineral extraction and the fact that such development must be carried out in a sustainable manner to assist economic development.

2.06 A PLANNING STRATEGY FOR RURAL NORTHERN IRELAND 1993 (PSRNI).

2.07 The PSRNI provides the regional mineral planning policies under which all mineral development is controlled. The Minerals section of this publication makes reference to minerals being an

important natural resource and their exploitation makes an essential contribution to the nation's prosperity and quality of life. This has already been referred to earlier in that without minerals there would be very limited development. Mineral extraction also provides employment opportunities mainly in rural areas and provides a wide range of products for a variety of purposes in construction, agriculture and industry.

2.08 The regional planning policies contain a range of policies for the control of mineral developments including peat extraction, taking into account environmental protection, visual amenity, public safety and traffic considerations. It also includes policies for mineral reserves, valuable minerals, areas of constraint on mineral developments and restoration of mineral workings. **It is the Area Of Constraint on Mineral Developments, as identified and designated in the BNMAP 2015 Strategy Maps 2/01a-b and 3/01a-c referred to in the section of the Strategic Plan Framework titled Minerals – Regional Policy Context and the Countryside Section in Volumes 2 & 3 of the plan, that QPA strongly opposes.**

2.09 PSRNI – POLICY MIN 3 – AREAS OF CONSTRAINT

2.10 Policy MIN 3 of the PSRNI introduces the concept of Areas Of Constraint to identify ACMD. This policy states that “ if for visual, conservation or other reasons, areas require to be protected from mineral developments they will be identified as ACMD in development plans. The current statutory development plan for this area is the Newry & Mourne District Rural Area Subject Plan 1986-1999. When this Area Plan was adopted an Area Of Constraint on Mineral Development was identified for the Mourne mountains only. Additional ACMD have been progressively introduced into new Area Plans as they have been published after 1993. The draft BNMAP 2015 is the first opportunity the Department has had to introduce further ACMD into this combined Plan area.

2.11 In all the above planning publications and mineral planning policies no mention is made of supply /demand for mineral aggregates either regionally or locally.

3.00 SUPPLY AND DEMAND FOR AGGREGATES IN NORTHERN IRELAND

3.01 Mineral deposits are not evenly distributed and there are often imbalances between where the demands for aggregates arise and where the resources are located. This means that minerals have to be moved from where they are found to where they are

required and that planning policies in one area may need to reflect the demands of areas some distance away. Moreover, even where suitable resources exist in apparent abundance, their extraction may be constrained by consideration of such matters as landscape, amenity, nature conservation or agriculture.

- 3.02 Problems of aggregates supply, or maintenance of supply need to be safeguarded while all social and environmental nuisance is eliminated, policy and research must be geared towards determining and effecting the best solutions.
- 3.03 Unfortunately missing in the hierarchy of mineral resource planning in Northern Ireland is any reference to a strategic assessment of the need for aggregates followed by an analysis of the supply/demand for mineral aggregates and an analysis of the movement or flow of minerals within Northern Ireland or the extent of export of minerals out of Northern Ireland. At RDS strategic level of planning or PSRNI level there is no evidence in either publication that a strategic assessment/overview of need or supply/demand into mineral aggregates has been carried out. At the Regional level the Department should have carried out surveys to obtain the best information on mineral resources within the Region and the social and environmental constraints on working them. Such a regional assessment of mineral reserve estimates with planning permission should have been undertaken as well as all mineral workings and known resources in the area, taking into account the need for, distribution, production and uses of, each type of mineral, while having regard to mineral operator's reasonable needs for commercial confidentiality. Further consideration should have been given to the range and volumes of construction and demolition waste, material from mineral working deposits and other relevant materials which may exist within or in reasonable proximity or availability in the Region which could provide suitable alternatives to primary minerals.
- 3.04 QPA is of the opinion that such omissions in terms of strategic mineral resource planning highlights a significant weakness in the methodology currently employed by the Department to impose ACMD's. The bottom-up approach via the Area Plan process needs to be reviewed and indeed reversed. A top-down approach requires to be introduced which would encompass a strategic overview of the need for as well as the supply/demand for mineral aggregates, integrated with an assessment of local environmental issues before imposing further ACMD by means of the Area Plan process. In using its current approach the Department is only giving due consideration to environmental constraints without any reference to either the need for

aggregates or supply/demand for aggregates in the Northern Ireland context. The cumulative impact of successive designations of ACMD through the Plan process without due regard to the overall need or supply/demand situation will result in unbalanced inefficient mineral resource planning. It has and will have the effect of imposing excessive areas of spatial constraint on mineral development to the detriment of the minerals industry and the Association's members.

- 3.05 An option which QPA considers all Area Plans in Northern Ireland should incorporate would be mineral policies which identify areas where mineral extraction will be permitted. In such areas there would be a general presumption in favour of development of the mineral resource. Consideration of the detailed environmental effects could then be balanced against the need to exploit the mineral resource against the need to protect and conserve environmental resources in such areas.
- 3.06 To help reinforce the case why Planning Service has not properly addressed this issue in BNMAP it is useful to compare Northern Ireland mineral resource planning staff with those employed in a mainland Mineral Planning Authority (MPA) in England/Scotland or Wales. The key fact is that a MPA has a dedicated forward planning mineral staff complement while Planning Service has no such dedicated resource. Secondly, it needs to be highlighted that mineral resource planning has not been given the priority it deserves in the overall forward planning process by the Department. This becomes clearly evident when one looks at Strategic Environmental Appraisal (SEA) of the Area Plan and compares the appraisal of housing against the appraisal of minerals. A high staff resource was committed to analysing/predicting the supply/demand for housing in the Area Plan, as detailed in the technical supplement. On the other hand, given the absence of any technical supplement on Minerals, it is evident that very little time or staff resource was allocated during the Plan process to either estimating need or investigating the supply/demand for aggregates in this Plan or even at the RDS level. Without an adequate and steady supply of aggregates to meet the needs of society there would be limited physical development in the Region and growth in the Northern Ireland economy would quickly grind to a halt.

4.00 DRAFT BANBRIDGE / NEWRY & MOURNE AREA PLAN 2015

- 4.01 Policy MIN 3 of the PSRNI allows for the introduction of ACMD. The draft BNMAP 2015 was a further opportunity for the Department to introduce an ACMD into the combined Districts of this Plan. **QPA, on behalf of its members who operate within the area of the BNMAP, would object to the introduction of ACMD into the Plan without first having properly assessed the need for aggregates and supply/demand for aggregates in Northern Ireland in general and the BNMAP in particular.** The draft Plan makes a brief reference to the supply/demand for aggregates in Plan Districts over a ten year period. The figures are grossed up by District Council area drawing only general conclusions. No detailed statistical information/ forecasts appear anywhere in the various published Plan documents. No reference has been made to the fact that mineral resources move in and out of a Plan area and what effect this movement of mineral resources has on overall supply/demand in the Plan area. This is particularly relevant to this Pan as it has an international land border with the Republic of Ireland (ROI). Minerals from the area are imported to the ROI but no account seems to have been taken of this cross border movement of mineral resources. Aggregate resources need to be surveyed and analysed on a regional basis to have a realistic chance of forecasting supply and demand as outlined in the Consultation Paper on Review of MPG6 : Planning Policy for Supply of Aggregates in England published by DETR in October 2000 further reference is given in the publication Consultation Paper - Minerals Planning Statement 1 - Planning and Minerals by Office of the Deputy Prime Minister in November 2004. Finally the most up-to-date publication guidance seems to be the Consultation Paper on Annexes to MPS 1 July 2005 which refers to the landbank as being the key indicator in deciding appropriate balance when new permissions should be considered. No such landbank data is available in Northern Ireland.

The question must then be asked is how does the Department assess “need for the mineral resource” when it has no statistical or resource based information on which to make a judgement let alone a robust decision. Certainly the “need to protect and conserve the environment” can be assessed from the various environmental data bases which has been compiled within the Department of Environment and from other independent sources of environmental information.

The lack of a comprehensive landbank mineral aggregate data base implies that decisions on mineral planning applications are

made by the Department without any consideration of the issue of need for the mineral. The only issues against which the Department assess applications are environmental. The Department cannot therefore balance the need for the mineral against the need to protect and conserve environmental concerns. This inability to assess need for the mineral against need to protect and conserve environmental resources is not therefore liable to be in general conformity with the RDS Policy which seeks to promote the “use of minerals for economic development in a sustainable manner and in a way which assesses the need to exploit the mineral resource against the need to protect and conserve environmental resources”. (Page 96).

- 4.02 References to Minerals in the BNMAP are generally referred to in the section titled Strategic Plan Framework : Minerals for the specific Districts of Banbridge and Newry & Mourne are contained in Volumes 2 & 3 respectively. The former Part deals with regional policy and introduces one mineral policy MNL 1 Hydrocarbon Exploration. Volumes 2 & 3 Minerals Designation BC 05 and NC12 introduce Areas of Constraint on Mineral Development. The Strategic Plan Framework makes reference to the strategic environmental context for mineral development contained in the RDS outlining a number of SPGs and measures under which mineral development/applications need to be considered. In relation to Development Plans and their respective policies they must be in conformity with the RDS (as stipulated in the Joint Ministerial Statement – Development Plans and Implementation of the Regional Development Strategy 31 January 2005). QPA is of the opinion that this Plan’s mineral proposals/designations cannot be in general conformity as referred to previously. The only brief reference to mineral development in the RDS publication is at SPG-RNI 1.2 by :

- facilitating the development of rural industries, businesses and enterprises in appropriate locations, and ensuring that they are satisfactorily integrated with the settlement or rural landscape, one element of which is to use minerals for economic development in a sustainable manner and in a way which assesses the need to exploit the mineral resource against the need to protect and conserve environmental resources.

Here the emphasis is on balancing of the “need for extraction” in an area against the “need to protect and conserve environmental resources”. Nowhere in the PSRNI or BNMAP is “need” either defined or addressed in relation to mineral extraction. The word is used in the context of mineral planning to assess/balance the “need” for the mineral against the need to

protect and conserve the environment. BNMAP therefore fails to address the issue of “need” for aggregates in the Plan area. It is therefore understandable why the Plan only uses environmental criteria (see Designation BC 05 & NC 12 Area of Constraint on Mineral Developments) to assess what areas should be designated as Areas of Constraint on Mineral Development. This inherent weakness in the Department’s methodology in assessing what areas should be designated as ACMD is why QPA would seek that the concept of introducing ACMD by the Area Plan process should be suspended until a full and proper assessment has been made of the “need” for aggregates as well as how the demand for aggregates should be addressed in the Northern Ireland context.

- 4.03 Designation BC05 & NC 12 in the BNMAP introduces the concept of ACMD into the Plan. The last sentence of this designation makes reference to the Mineral Policies in PSRNI. MIN 3 of the PSRNI states that there will be a presumption against the granting of planning permission for the extraction and/or processing of minerals within ACMD. It further states that exceptions may be made where the proposed operations are short term and the environmental implications are not significant. This Policy statement is badly worded, for example, what does “short term” mean in the context of mineral development? In terms of general development it can mean between 1 and 3 years while within the quarrying industry most operations generally last between 5, 10 ,15 or 20 years. The Department needs to define what it means by “short term”. The second sentence refers to “In such cases the on-site processing of the excavated material is unlikely to be permitted”. Again the minerals industry has moved on since 1993 when this minerals policy was first introduced through the PSRNI. No longer is static processing plant the norm but rather most modern “state of the art” plant is mobile and if the Department accept QPA’s recommended changes which were submitted to the “Review Of Permitted Development Rights in Planning” currently under consideration then such plant will not require planning permission.
- 4.04 Lastly, if the Department is determined to proceed with introducing ACMD into the BNMAP 2015 then it should at least have defined areas where mineral extraction will be permitted subject to compliance with acceptable environmental standards to the Department and other relevant authorities.

5.00 STRATEGIC ENVIRONMENTAL ASSESSMENT (SEA) OF PLAN

- 5.01 The BNMAP 2015 has published how it addressed European Directive 2001/42/EC “ on the assessment of the effects of certain plans and programmes on the environment” (EC,2001) which requires Strategic Environmental Assessment (SEA) of a wide range of plans and programmes.
- 5.02 The objective of the “SEA Directive” is to provide for a high level of protection of the environment and to contribute to the integration of environmental considerations into the preparation and adoption of plans with a view to promoting sustainable development.
- 5.03 One of the many requirements of the SEA requires the Department to prepare an Environmental Report (ER) on the likely significant effects of the draft BNMAP. The ER has to include a number of aspects and I refer to a few of these which have a direct relationship to mineral development. The first is the collection of baseline data on minerals in the BNMAP area. The information referred to and collected in the SEA publication indicates the sources of data being from GSNI, already designated ACMD and mineral production figures. All of this information is secondary in nature with no primary mineral survey information/data being collected/undertaken by Planning Service. This shows the weakness in the Plan’s approach to SEA when one compares it with the survey/data collected and analysed on housing in the BNMAP.
- 5.04 The SEA refers to Alternatives Considered and in relation to minerals it refers to constraints as being the RDS and the Rural Strategy. It specifically states that the Plan must assess the need to exploit the mineral resource against the need to protect and conserve environmental resources. Again the question must be asked of how the Department intends to assess “need”? It is QPA’s opinion that the “need” at the RDS level has not been properly addressed. The Alternatives considered are the two extremes of mineral resource planning and are the obvious alternatives to be examined. A more professional proactive approach would have been to examine the alternative of identifying areas where mineral extraction could take place subject to environmental considerations. This option was ignored which weakens the robustness of the approach taken in this part of the SEA.

- 5.05 Article 10 of the Directive requires monitoring of the significant environmental effects of the implementation of plans. If the Department has no relevant baseline data on mineral resources in the Plan area how can it carry out monitoring of the effects of its policies over the Plan period?
- 5.06 The SEA - Baseline Data – refers, in the section dealing with Mineral Resources (Mineral Conservation) on page 101, to mineral production figures for Northern Ireland as a whole but these only relate to two years production - 2000 & 2001. This period is too short to look at trends at the Northern Ireland level. The figures should have included a 10 year span to see if trends could be identified. The SEA has also not used the 2004 annual minerals statement figures which would have been available before publication of the draft Plan. At the Northern Ireland level the figures are meaningless for interpretation at the BNMAP level. The SEA states that the figures are not available at the local level. This is incorrect as DETI can produce figures aggregated up to District Council level (to ensure confidentiality) which would be more relevant to the BNMAP than the NI figures.
- 5.07 Throughout the examination of the Minerals aspects contained in the SEA of the BNMAP it becomes apparent that little or no survey/analysis/mapping of mineral resources or of up-to-date statistical information was carried out during the preparation of this draft Plan compared to the amount of detailed survey / analysis information gathering which had been undertaken in relation to Housing. Therefore QPA would have to question whether the full requirements of the SEA legislation have been complied with in preparing this Plan in relation to Mineral Resources?

6.00 CONCLUSION

6.01 QPA would conclude by making the following comments:

- QPA is strongly opposed to the introducing further ACMD development into the draft BNMAP 2015 area without first having carried out at regional level studies on need and supply/demand into mineral aggregates industry in Northern Ireland.
- QPA requests that the Department suspend planning Designations NC 12 and BC 05 in the draft BNMAP and any further ACMD's in proposed draft Area Plans, until the necessary survey/analysis on need and

supply/demand of mineral aggregates has been carried out in Northern Ireland and BNMAP, and that such information be made public.

- QPA requests that the Department in adopting any mineral planning policies/ designations be more explicit in the wording/terminology used so that there is no ambiguity.
- QPA would recommend that, if the Department refuses to omit Designations NC 12 and BC 05 then a commitment should be given to designate areas where the extraction of minerals will be permitted subject to compliance with standards of amenity acceptable to the Department and other relevant authorities.