

Minerals and Petroleum Division

As previously stated in DPS – 092, the issue of mineral development requires a carefully balanced approach to maximise the potential economic benefits while ensuring adequate protection for the environment. Whilst the Council’s proposals in relation to mineral development overall indicates a balanced approach, the Minerals and Petroleum Division have the following specific comments to make.

Focused Changes Consultation Document

FC8B proposal for removal of the words ‘with the exception of valuable minerals as set out in policy MD4’.

MAPB and GSNI previously supported the intention in the policy that there would be no presumption against proposals for development of high value minerals, even in areas of constraint but that due weight would be given to any impact on statutory designations in line with SPPS 6.157. The proposed removal of this wording in FC8B suggests a change in this intention towards a presumption against.

It should be considered if this change is in line with SPPS, section 6.157, which states:

‘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.’

Removal of these words would also suggest inconsistency between policies MD1 and MD4 as MD4 states:

*‘There will **NOT** be a presumption against [Valuable Minerals] exploitation in **ANY** area however, in considering a proposal where the site is within a designated area in the Local Development Plan, due weight will be given to the reason for the statutory zoning.’ (emphasis added for reference)*

Retaining this wording would make clear the position in relation to valuable minerals as outlined in MD4 and in the SPPS. The retention of the wording would not be in contravention of Conservation (Natural Habitats, etc) Regulations (NI) 1995 as MC63 incorporates the requirement for any proposal linked to a European or Ramsar site to meet the requirements of Policy NH1 which contains similar requirements as the Assessment under these Regulations.

MC43 proposal to add the word ‘and’ to various parts of Policy NH1

MAPB and GSNI welcome the Council’s approach of incorporating the environmental considerations in relation to European sites into its policy for clarity.

However, it is noted that whilst the above amendment appears to propose to bring the policy into line with the considerations within the Conservation (Natural Habitats, etc) Regulations (NI) 1995 and assessments thereunder, the wording differs from the Regulations in relation to a priority habitat type or a priority species (specifically the final ‘and’ proposed to be inserted). The difference would potentially be inconsistent with the Regulations as it is more stringent than the requirements under the Regulations to require that the proposal will only be permitted if it has already been agreed in advance with the European Commission. This could be deemed unsound.

Section 44(2) of the Regulations state:

'Where the site concerned hosts a priority natural habitat type or a priority species, the reasons referred to in paragraph (1) must be either—

*(a) reasons relating to human health, public safety or beneficial consequences of primary importance to the environment, **OR***

(b) other reasons which in the opinion of the European Commission are imperative reasons of overriding public interest.'

(emphasis added for ease of reference)

You may wish to review the final 'and' in this section and replace with 'or' to ensure consistency with the requirements in the Regulations as above.