

Dear Commissioner

Thank you for the opportunity to provide this information. This was the information that I had intended to say but had internet connection issues at the close of the Minerals Development Section.

There has been considerable new information since my submission that need to be addressed. To provide the commissioner with clarity I will put the new information in context.

On February 22nd 2022 the assembly agreed that the Office of Environmental Protection becomes the environmental oversight body for Northern Ireland. The Draft Local Development Plan does not reflect this fundamental change consequently does not meet the soundness test.

In the Climate Change debate of 01/02/2022 of the Climate Change Bill No2 Mr Poots stated

“More fundamentally, the issue with the amendment is that the Office for Environmental Protection was formally established following UK Environment Act's being granted Royal Assent in November 2021. Subject to the approval of the Northern Ireland Assembly, the Office for Environmental Protection will become the oversight body for Northern Ireland, so why would we establish two offices for environmental protection?”

<http://aims.niassembly.gov.uk/officialreport/report.aspx?&eveDate=2022/02/01&docID=365158#3923082>

The Office of Environmental Protection will not only have an immense impact on the FODC Draft Local Development Plan but also other major planning decisions. An example being the approval of a Geological Disposal Facility (GDF) to store all the UK's nuclear waste in a single location which I raised in my recent submission.

Background:

In July 2014, the SF/DUP led NI Executive were **joint authors** of the White Paper, "Implementing Geological Disposal" where they agreed to store all the UK's nuclear waste in the Northern Ireland. The GDF is planned to be operational by 2040.

In 2015 the UK government declared this a National Strategic Infrastructure Project, meaning Westminster is now in total control of the location and siting of this GDF. The siting of a Geological Disposal Facility (GDF) requires the oversight of the Environment Protection Body, now the Office for Environmental Protection, and one large landowner. This appointment, coupled with the new powers from Westminster, means a GDF can be located within the FODC without the scrutiny or involvement of the assembly, let alone the FODC. As per my submission, the local Development Plan should clearly state that FODC strongly opposes the siting of a GDF in our district, cyanide processing plants and large scale industrialised wind farms as examples.

Furthermore there have been substantial new powers introduced by Westminster since the initial consultation that our Local Development Plan fails to take account of.

These additional new powers relate to the recent new developments: UK Internal Markets Bill (2020), Functions Bill (2020) and the establishment of the new Westminster Department in Belfast "Department of Housing Communities and Local Government" in addition to the new Civil service powers Karen Bradley facilitated Westminster to introduce in Oct 2018 under Emergency powers, Brandon Lewis's legislation changes to make Stormont "crisis proof" in 2021 and the testing in court the Functions Bill (North South Interconnector – Oct 2021) and legislating for Supremacy of Westminster over the devolved assembly re the SPUC case, October 2021. Our Draft Local Development Plan does not take into account any of the above provisions.

Internal Markets Bill

According to Nicola Mallon, "Sections of the Internal Market Bill – notably section 46 - create a mechanism for the UK government to spend money in areas related to infrastructure that are clearly devolved to Scotland, Wales and Northern Ireland and without any required engagement with the devolved governments."

The LDP must be specific and clear what is unacceptable in our district to prevent Westminster from bulldozing any infrastructure plan through such as those already covered in my submission such as the GDF, building of the largest cyanide processing plant in Western Europe or the installation of the industrialised Wind farm in an AONB.

Ministry of Housing, Communities and Local Government (MHCLG) – introduced March 2021,

Nicola Mallon, Minister for Infrastructure stated the new Westminster Department located in Belfast, Ministry of Housing, Communities and Local Government (MHCLG), having overseen the precious metals and mining exploration in the UK, stated that officials were being "parachuted in" and that this department "will sit outside the programme for government, there won't be any executive oversight, there won't be any assembly scrutiny or accountability".

This same department was responsible for overseeing the minerals exploration in the UK and has now its own department in NI. The Local Development Plan must clearly identify the role this department plays in terms of minerals development and have in place a mechanism to prevent exploitation of our natural resources. The fact that this department has been established here demonstrates further plans to push the precious metals and minerals agenda where 25% of the land area of the north is already under prospecting and exploration licences. Our Local Development Plan must reflect any proposed plans in advance.

The Climate Change Bill (Passed 8th March 2020)

Based on the Climate Change reading/debates at the various stages from 27th September 2021 until January & February 2022 it is clear that the climate change bill will totally decimate farming, agri business, transportation, tourism and our local economy which is not reflected in our Local Development Plan.

At the Assembly reading 27th September 2021 re Climate Change Bill No. 2 Edwin Poots stated, based on a DAERA commissioned KPMG report, that the original bill

"this would lead to a 60% reduction in the keeping of sheep. It would lead to a 98% reduction in farms in less-favoured areas (LFAs), from 15,137 down to 348. Fermanagh and South Tyrone, Mid Ulster, and Newry, Mourne and Down account for 43% of less-favoured area farms". Later he mentioned that the cuts proposed to this will mean an 86% reduction in all cattle and sheep in NI and that 13,000 farmers will be put out of their farms.

Given the seriousness of the implications of the Climate Change Bill, passed 8th March 2022, the Local Development Plan must be reviewed from scratch as the current Draft Local Development Plan will be totally flawed from the outset, given the scale of the proposed changes.

The recent passing of the Climate Change Bill on 8th March 2022 will also have fundamental implications on Minerals Development, consequently the entire minerals Development Section must be rewritten as it does not apply to the Soundness test. This Climate Change Bill, linked to Alex Maskey's Sustainable Development Policy Statement July 2020, advocating the UN's Sustainable Development Goals, means the incentivisation of the "local" sustainable mining of precious metals and minerals to gain carbon credits. As stated previously criteria (vii to xi) will be actively encouraged overseen by the Office of Environmental Protection. The ACMD will not be an Area of Constraint on Mineral Development but with these additional criteria will open the AONB to minerals Development as policy.

Once again to reiterate from the hearing regarding Minerals development, despite reviewing all strategic documentation including the Regional Development Strategy, SPPS and the SPPS, Strategic Environmental Assessment, Final Environmental Report September 2015, there has been no mention of precious metals and minerals with only one reference to “valuable” minerals – this referred to “valuable minerals” as being salt. See 3.12 Material Assets – point 2 “NI is underlain by extensive deposits of economically valuable minerals (e.g. salt which is exported to Ireland, the UK and the USA)”. The definition of minerals is given in the Mineral Exploration (Northern Ireland) Order 1979/scheduled substances.

To reiterate, the Local Development Plan as it currently stands permits the mining of valuable minerals. The authors of the Draft LDP took the liberty of creating its own definition of Valuable minerals to mean gold, silver, lead and copper. This is fundamentally flawed and must be reviewed. If the Draft LDP required a definition then it should have created a definition of Precious metals and minerals which would be clearly encompass the impact of any requisite toxic processing methods with proper closure and remediation.

In terms of mining precious metals and minerals, given that FODC including The Sperrins AONB has the highest radon levels, deep excavations means encountering Naturally Occurring Radioactive Material (NORM). In the consultation documentation for the GDF in 2019, this new information not available during local draft development plan consultation, determined that NORM can be stored in a GDF. Min01 does not address NORM. If NORM is identified then mining of precious metals and minerals should be abandoned. The body overseeing points (i)-(vi) and consequently (vii to xi) of MIN01 will now be under the remit of the Office of Environmental Protection. This will mean that FODC is totally powerless to intervene and provision must be made in MIN01 to prevent this from happening. As stated above the Office of Environmental Protection is now the oversight body for the environment. This new information was not available at the time of preparation of this Draft Local Development Plan so consequently the entire LDP must be revised to reflect same.

Linked to the Climate Change Bill, the Local Development Report must not be progressed until the findings of the “Issues Paper Review of Strategic Planning Policy on Renewable & Low Carbon Energy” has been undertaken with full public consultation carried out. It is incredulous that the department had not made the Oral hearing members aware of it until last week after the response date was closed to invited targeted participants (Issued: 15 December 2021 with a response date 11th February 2022).

Final comment

Given the above new information above it is clear that Stormont will fall by design and Westminster will take charge, based on all the new legislation, precedents set and formation of new bodies, our Local Development Plan cannot be permitted to proceed in its current form. If the Local Development plan was to remain as it is then the following key projects are planned for the FODC Sperrins/Mid Ulster region: to become one enormous precious metals and mining region with The Sperrins/Mid Ulster becoming an industrialised zone, the location for the largest cyanide gold processing plant in Western Europe serving all gold mines in Ireland, Scotland, England and EU, to become the nuclear storage dump for all the UK’s Higher Activity Radioactive Waste by 2040 and subsequently with Brexit the world’s nuclear waste dump, while inevitably becoming the UK’s nuclear power hub with small modular reactors and a major inland wind energy resource.

I thank you for your consideration

Best regards

Patrick Haughey 18/03/2022