

---

**Mark H Durkan MLA**  
**Minister of the Environment**  
**Goodwood House, 44 - 58 May Street,**  
**Town Parks, Belfast BT1 4NN**

---

**Steven Agnew MLA**  
**Northern Ireland Assembly**  
**Parliament Buildings**  
**Ballymiscaw**  
**Stormont**

**AQW 51217/11-16**

**Steven Agnew MLA has asked:**

**To ask the Minister of the Environment, in light of paragraph 10 of the Planning Appeals Commission ruling relating to Lough Neagh dated 13 November 2013, whether (i) the planning application being considered as part of the enforcement appeal relates solely to the retrospective regularisation of unauthorised sand extraction up to the date of the enforcement notice; and (ii) all unauthorised activities currently being permitted because he did not serve stop notices are not the subject of the enforcement appeal.**

**ANSWER**

The Department previously stated its position in correspondence to the Planning Appeals Commission (PAC) on 9 November 2015 and in letters to Quarry Plan on 11 November 2015 and 18 January 2016. Copies of the letters have been placed in the Assembly Library.

*Mark Durkan*

**Signed:**

---

**Mark H Durkan MLA**

16/02/16

**Date:**

Your ref: 2015E0024-2015/E0028  
Our ref: T/2014/0012/CA  
Date: 9 November 2015



Mr Finton Daly  
Park House  
87/91 Great Victoria Street  
BELFAST  
BT2 7AG

**Carol Ramsey**  
**Director**  
**Strategic Planning Division**

4<sup>th</sup> Floor  
Causeway Exchange  
1-7 Bedford Street  
Town Parks  
BELFAST  
BT2 7EG

Telephone: (028) 9082 3540

Email: [carol.ramsey@doeni.gov.uk](mailto:carol.ramsey@doeni.gov.uk)  
[una.nelson@doeni.gov.uk](mailto:una.nelson@doeni.gov.uk)

Dear Mr Daly

**RE: THE PLANNING (NORTHERN IRELAND) ACT 2011**

**THE PLANNING (ENVIRONMENTAL IMPACT ASSESSMENT) REGULATIONS  
(NORTHERN IRELAND) 2015**

**Appeal by Lagan Group against an enforcement notice alleging the  
unauthorised working of mineral at Lough Neagh**

I refer to your letter of 28 September 2015. In relation to the above matter the Department has considered its position. The Department does not consider it reasonable to extend the deadline for the submission of the Environmental Statement to 31 October 2016 given the importance of identifying the environmental impact(s) of mineral extraction on the Lough Neagh system.

One of the grounds of appeal against the enforcement notices is that planning permission should be granted for mineral extraction from Lough Neagh. The Department considers that the dredging of minerals from the Lough constitutes a series of separate operations and as such each dredge is a separate act of development. The Department does not consider that the PAC can grant permission for future dredging; rather the Commission can only potentially grant permission for mineral extraction up to the date of service of the enforcement notices.

It is the Department's opinion that if the appellants require planning permission for future dredging from the Lough then a separate planning application needs to be submitted to and duly assessed by the Department.

If you would like to discuss this matter further, please do not hesitate to contact me.

Yours sincerely

A handwritten signature in cursive script that reads "C Ramsey".

**CAROL RAMSEY**  
**Director of Strategic Planning Division**



Planning Ref: I/2014/0332/PreApp

**Strategic Planning Division**

Mr Andrew Scurfield  
Quarryplan Limited  
6 Saintfield Road  
Crossgar  
Downpatrick  
Co. Down  
BT30 9HY

Level 5  
Causeway Exchange  
1-7 Bedford Street  
BELFAST  
BT2 7EG  
  
Telephone: (028) 9082 3444

Date: 11<sup>th</sup> November 2015

Dear Andrew,

**Extraction of sand from the bed of Lough Neagh**

I refer to the appeal with the Planning Appeals Commission (PAC) by Lagan Group against an enforcement notice alleging unauthorised mineral extraction at Lough Neagh.

One of the grounds of the appeal is that planning permission should be granted for mineral extraction from Lough Neagh. The Department considers that the dredging of minerals from the Lough constitutes a series of separate operations such that each dredge is a separate act of development. See, for example, *Thomas David (Porthcawl) Ltd v. Penybont Rural District Council* [1972] 1 W.L.R. 1526 at pp. 1531 and 1532. It is the Department's opinion that the PAC cannot, through the deemed application before it, grant permission for future dredging but can only potentially grant permission for mineral extraction up to the date of service of the enforcement notices. It follows that even were the sand traders to be successful on their deemed planning application ground of appeal, this would not secure them permission for future dredging. The Department wrote to the PAC on 10<sup>th</sup> November 2015 informing them of this opinion.

If the appellants wish to continue dredging from the Lough then it is the Departments view that a separate application is required (it was previously confirmed that such an application would be processed by the Department). Prior to the enforcement appeal the Department had engaged in pre-application discussions (PAD) with you, acting on behalf of the sand traders, under I/2014/0332/PreApp. Copies of consultation responses were forwarded to you to assist in the preparation of an Environmental Statement. Please find enclosed a further consultation response from Lisburn Borough Council for your consideration and records.

To date no planning application has been submitted. If it is the intention of the appellants to seek planning permission for ongoing/future dredging you are advised to submit a planning application as soon as possible. Should you wish to re-engage with the Department on the PAD process in preparation for the submission of an application please contact us to arrange.

I must stress that this letter sets out the Department's position in relation to the requirement for planning permission; it has no bearing on and is without prejudice to the ongoing enforcement processes which are a separate matter. Moreover, this letter does imply any view of the Department as to the likely outcome of any planning application.

Yours sincerely

A handwritten signature in cursive script that reads "C Ramsey".

**CAROL RAMSEY**

**Director of Strategic Planning Division**



# DOE

Department of  
the Environment  
[www.doeni.gov.uk](http://www.doeni.gov.uk)

## Strategic Planning Division

Mr Andrew Scurfield  
Quarryplan Limited  
6 Saintfield Road  
Crossgar  
Downpatrick  
Co Down  
BT30 9HY

4th Floor  
Causeway Exchange  
1-7 Bedford Street  
Town Parks  
BELFAST  
BT2 7EG

Telephone: (028) 90823350

Email: [carol.ramsey@doeni.gov.uk](mailto:carol.ramsey@doeni.gov.uk)  
[una.nelson@doeni.gov.uk](mailto:una.nelson@doeni.gov.uk)

Your Ref: I/2014/0332/PreApp

Our Ref:

Date: 18 January 2016

Dear Andrew

### EXTRACTION OF SAND FROM THE BED OF LOUGH NEAGH

I refer to my letter of 11 November 2015 setting out the need for a separate planning application to potentially secure permission for any ongoing dredging from Lough Neagh. My letter also invited you to re-engage the PAD process to assist in the preparation of such an application.

I would like to take this opportunity to again encourage you to re-engage with the Department in the PAD process (assuming your clients wish to seek permission for further dredging) in order to expedite a quality and timely application process.

I would be very grateful if you would inform us of your intentions as soon as possible.

Yours faithfully

**CAROL RAMSEY**  
Director of Strategic Planning Division



INVESTORS  
IN PEOPLE