

Report on	Mid-Ulster District Councils response to Dalradian Public Enquiry.
Date of Meeting	7 May 2024
Reporting Officer	Melvin Bowman
Contact Officer	Melvin Bowman.

Is this report restricted for confidential business? If 'Yes', confirm below the exempt information category relied upon	Yes	
	No	x

1.0	Purpose of Report
1.1	To seek members agreement on the content of the Councils proposed statement of case further to our previous submission to the Planning Appeals Commission (PAC) in relation to the upcoming Dalradian Mine project Local Public Enquiries due to be held on 10 th Sept 2024. (LA10/2017/1249/F).
2.0	Background
2.1	A report was previously presented to the Planning Committee of Mid Ulster District Council on 3 August 2021 (see attached as well as minutes of meeting) at which it was resolved that the Council would object to the Dalradian proposal for the reasons set out in the agreed minutes.
3.0	Main Report
3.1	There has been a significant passage of time since the 3 Aug 2021 report to the committee, however Council is not aware of any changes or new information relating to the proposal since then. It is noted that a number of further consultation responses have been uploaded to the public portal on the proposal since the 2 Aug 2021.
3.2	In already preparing a statement, officers note that minutes of the discussion by members at the 2 Aug 2021 meeting make reference to the Councils Dark Skies Area and Stone circles. Given that these minutes have also already been submitted to the PAC and form part of the Councils initial submission, members are asked for their agreement to expressly expanded upon this within the Councils statement of evidence to the Hearing in terms of any potential negative impacts that the proposal may have on these.

3.3	<p>By way of update, and relating to the Councils proposed second reason for refusal on the agreed minutes of the 3 Aug 2021 report to members, The Independent Examination Report of Fermanagh & Omagh District Council's Local Development Plan: Plan Strategy was published in Oct 2022 and at Par 6.68 the commissioner makes the following points in relation to Minerals:</p> <p>6.68 'In order to be consistent with Departmental policy and guidance, the dPS's overall approach to minerals therefore successfully balances the demands of the minerals industry with protecting and conserving the most valuable and vulnerable areas of the environment. Having utilised the available information, which is at their disposal, they have endeavoured to provide a robust evidence base for their minerals policies which, subject to the discussed amendments (RA53-56), meet the relevant procedural, consistency, coherence and effective tests and are sound'.</p>
3.4	<p>The passage of the Fermanagh and Omagh Districts Councils Draft Plan Strategy to adoption can be reflected by officers in our submission.</p>
4.0	Other Considerations
4.1	<p>Financial, Human Resources & Risk Implications</p> <p>Financial: N/A</p> <p>Human: N.A</p> <p>Risk Management: N/A</p>
4.2	<p>Screening & Impact Assessments</p> <p>Equality & Good Relations Implications: N/A</p> <p>Rural Needs Implications: N/A</p>
5.0	Recommendation(s)
5.1	<p>That members agree that those additional issues of concern referenced in the minutes of the 2 Aug 2021 meeting, and at Par 3.2 above, along with the more advanced stage of the Fermanagh and Omagh Council Plan, are to be included and reflected in the Councils evidence to the Inquiry further to the Councils initial submission.</p>
6.0	Documents Attached & References
	<p>Previous Committee report and minutes – 3 Aug 2021.</p>

Report on	Underground valuable minerals mining and exploration, surface level development including processing plant and other associated development and ancillary works, Greencastle, County Tyrone.
Date of Meeting	3 August 2021
Reporting Officer	Dr Boomer
Contact Officer	Dr Boomer

Is this report restricted for confidential business? If 'Yes', confirm below the exempt information category relied upon	Yes	
	No	X

1.0	Purpose of Report
1.1	The purpose of this report is to advise members of the planning application that is currently under consideration by the Department for Infrastructure. The report will also provide advise on the position of MUDC in relation to the issues of concern with the proposed use.
2.0	Background
2.1	In November 2017, Dalradian Gold Limited (DGL) submitted a planning application to the Department for Infrastructure (Dfi) to construct an underground gold mine and associated surface water infrastructure at a site located between the towns of Gortin and Greencastle, Co Tyrone. The application was based on the development of an underground mine producing between 1,200-1,500 tonnes of ore per day, a surface crushing facility, processing plant and dry stack storage facility (DSF). The DSF is designed to receive and permanently store dry stack tailings and waste rock after the removal of the valuable metals.
2.2	The application was accompanied by an Environmental Statement (ES). Dfi wrote to the applicant on 8 January 2019 seeking Further Environmental Information (FEI). The addendum to the ES was received by Dfi on 6 September 2019. Following the submission of the original planning application the applicant reviewed the proposed development and has made some amendments which are outlined as follows: <ul style="list-style-type: none"> • Changes in infrastructure linking mine operations to surface operations; <ul style="list-style-type: none"> ○ Relocation of primary (first-stage) crushing underground; ○ Introduction of ore-sorting equipment underground; ○ Introduction of a conveyor to be used as the primary method to transport material from the underground mine to surface; ○ Change in the orientation of the portal to accommodate the conveyor system.

	<ul style="list-style-type: none"> • Process and product changes <ul style="list-style-type: none"> ○ Simplified ore processing resulting in the removal of cyanide from the process and consequent change in product; ○ Transportation of concentrate off site and out of NI; ○ Changes to tailings and paste backfill; • Optimisation of the mine design and changes in the mine waste management; and • Changes to construction management. <p>2.3 In addition to the design modifications, DGL now assert they are committed to delivering the project as carbon neutral over its lifetime.</p> <p>2.4 In the addendum of 2019 the agent has listed the key reasons for the amendments to the project design which are as follows:</p> <ul style="list-style-type: none"> • A system of conveyors has been introduced to reduce the number of vehicle movements between the underground workings and the process plant. This extends the conveyor system already proposed to feed the process plant, back towards the portal and down the main decline. This will significantly reduce the project diesel consumption. To accommodate the conveyor, the haul road and the portal design has been modified and its orientation changed. • The extension of the conveyor system will result in the relocation of the primary crusher from surface to the underground mine. DGL has also introduced an underground ore sorting process. • Although cyanide is used safely in gold mines all over the world, DGL recognized that local communities are strongly opposed to the use of cyanide in the mineral processing operation. DGL has investigated means to remove cyanide from the processing operation and still achieve economic viability of the mine. It has now been established as being possible through production of a gold flotation concentrate that will be transported off site for final processing. The removal of the carbon-in-leach circuit, and associated regent-handling facilities, has resulted in a smaller process plant footprint and removal of several external tanks. The remaining external flotation tanks that were located to the south of the process plant building have been relocated to the north side of this building. <p>2.5 Upon receipt of the Further Environmental Information, Dfl issued consultations to all the relevant consultees though not all consultees have responded to date.</p>
3.0	Main Report
3.1	The proposed development and associated study area is located in Co Tyrone, between Strabane, to the northwest and the proposed

	<p>Curraghinalt project, c. 7.5km east of Gortin. The landscape is predominantly upland, rural in character and utilized for rough pasture grazing. Most fields are lined by stone walls, fences or hedgerows with some broadleaved and coniferous shelterbelt woodland planting with scattered mixed broadleaved woodland along streams and rivers.</p>
<p>3.2</p>	<p>The landscape within the study area is primarily associated with the Sperrin Mountains, which runs generally east to west between Newtown Stewart and Carratogher. Many of the peaks within the Sperrins are over 500m, which are surrounded by broad rounded ridges. To the south of the Sperrins, more elevated land gives way to the Carrickmore Plateau, which is generally more even in elevation though still used primarily for rough pasture land given its upland nature.</p>
<p>3.3</p>	<p>The north-western portion of the study area is the most urbanised, with the proximity of Strabane. The settlement areas of Ballygamorry, Plumbridge and Rousky are in close proximity to the proposed development. Outside of these settlement areas, scattered residential properties and farmsteads are in close proximity to the local road networks.</p>
<p>3.4</p>	<p>Views in the north-western portion of the study area contain visibility of the operational Owenreagh Windfarm, whilst scattered single wind turbines are also found throughout the study area located on elevated valley sides. Much of the study area associated with the proposed development is traversed by timber poles carrying overhead lines, both adjacent to the local road network and as separate features which cross the upland agricultural landscape.</p>
<p>3.5</p>	<p>From a Mid Ulster District Council landscape viewpoint the site straddles two NIEA identified distinct Regional Landscape Character Areas (RLCA's) in NI, RCLA 7 - Sperrins and RCLA 12 - Carrickmore Plateau and Pomeroy Hills. The site also traverses three NIEA identified Landscape Character Assessment areas (study was carried out in 2000) and these are:</p> <ul style="list-style-type: none"> LCA 29 - Sperrin Mountains LCA 28 - Glenelly Valley LCA 24 - South Sperrin
<p>3.6</p>	<p>In addition the proposed development and associated study area are primarily located within the Sperrins AONB. This is considered to have a high sensitivity to change due to its designation. The proposed development is primarily located within the AONB and is considered to give rise to direct landscape impacts during both the construction and operational phases.</p>

<p>3.7</p> <p>3.8</p> <p>3.9</p> <p>3.10</p>	<p>The Ulster Way is protected and maintained by the relevant District Councils through which it passes. It is promoted as a national walking route by the NITB. The Gortin to Moneyneany route lies in close proximity to the proposed development. There are also a number of Way Marked Trails and Cycling Trails within and close to the study area and area of proposed development.</p> <p>Materials and equipment will be brought to site by road from Dublin, Belfast and Derry. During construction it is estimated there will be an average of 40 loads per day delivered to the proposed infrastructure site. During periods of heavy concrete pouring, a peak of 50 loads per day is anticipated. During operations the average daily HGV movement is estimated at 13 trips per day to site i.e. 26 two way movements.</p> <p>During construction, transport is expected to take place 6 days per week during regular business hours. During operations, transport will be planned for weekdays during regular business hours. However, the deliveries of materials to and from site will be dependent on suppliers and upon which days they operate.</p> <p>The planning application has implications for policy in Fermanagh and Omagh Draft Plan Strategy. It is clear that if the planning application is approved it is of such a scale that it would not only be contrary to the policy but it would have implications for its future implementation if adopted and so would be prejudicial to future decisions in the District.</p>
<p>4.0</p>	<p>Other considerations</p>
<p>4.1</p>	<p>Financial, Human Resources and Risk Implications</p> <p>Financial: None</p> <p>Human: None</p> <p>Risk Management: None</p>
<p>4.2</p>	<p>Screening and Impact Assessments</p> <p>Equality & Good Relations Implications: None</p> <p>Rural Needs Implications: None</p>
<p>5.0</p>	<p>Recommendation(s)</p>
<p>5.1</p>	<p>It is recommended that the Planning Committee, based on the information currently available and without the advice of all consultees, to object to the planning application as proposed based on both the long term visual impact and issues of concern relating to volumes of traffic both during the construction stage of the proposal and the operational</p>

	<p>phase of the proposal as these will have a significantly detrimental impact on the amenity of the residents in the area.</p> <p>Members are advised the application is premature to the Fermanagh and Omagh Draft Plan Strategy public examination by reason of its scale that it would prejudice future decision making.</p> <p>Members are advised to reserve the right to raise further issues of concern at the public inquiry or at any time preceding the date of the inquiry should additional or amended information be received.</p>
6.0	Documents Attached and References

Resolved That planning application LA09/2020/1536/O be approved subject to conditions as per the officer's report.

Councillor Bell returned to the meeting at 9.26 pm.

P104/21 Receive report on planning application LA10/2017/1249/F – Dalradian Gold

The Planning Manager presented previously circulated report to advise members of the planning application that is currently under consideration by the Department for Infrastructure. The report will also advise on the position of MUDC in relation to the issues of concern with the proposed use.

Solicitor left the meeting at 9.27 pm and returned at 9.30 pm.

Councillor Quinn said that he would be happy to propose what was on the paper as he had spent the last couple of weeks and months trying to get his head around the different aspects of the whole debate and had spoken at a rally on Saturday in Coalisland against mining in general. He advised that an article had come towards him today and although not the subject of the report he found it interesting that they were claiming that this was going to be carbon neutral but they forgot to add in that they proposed to use 3.3 million litres of diesel, they proposed to take out all the bogland and peatland that was beside the sight line and remove all the water out of the bogland/peatland and felt that there were a lot of things that didn't add up in this. He advised this this was still being pushed on to Fermanagh & Omagh Council over this last few months and this was their issue to deal with but this was an area of natural beauty and this was the land we want to protect and retain for generations to come and we cannot let people come in and destroy it and remove our natural resources and move it on for profit which was the company's incentive. He felt a public enquiry was the way to go and he would agree completely with this as a lot of things will become evident and agreed with the Planning Manager's suggestion of having representation at that table and have a say and although it may not come into our Council area, we can certainly see it and we look at Co. Tyrone and Co. Derry as one Council area and we all embrace taking our trips out on a Sunday to see the mountains and use the walks and would be very happy to propose to object to this mine.

Councillor Glasgow advised that he was a bit uncomfortable with this report tonight and although he did not dispute what was being said, he felt uncomfortable what was going to be seen as a decision and when he looks at the very last line it talks about '*additional or amended information being received*' and didn't feel content and was not saying that this should be ignored but asked if there was not an option for the committee to move this on down and get a bit more breathing space for the information to come forward. He said that at the end of the day there was going to be a public enquiry and proposed to put this issue on hold until these statutory consultees come back.

The Planning Manager stated that this was put in as anyone which had been to a public enquiry or examination will realise that information keeps coming right up until the day and whilst in the hearing and would like the ability to respond to what's before us. He said what he felt this was fair and correct to do as it reserves the right to have the ability to ask the right questions and challenge any unjustified statements by the QCs.

Councillor Mallaghan said that he would be happy to second the proposal to object to this planning application and stated that the real gold which exists within the Sperrins was its natural beauty and when people visit the Gortin Glens Forest Park or Davagh and see what this Council and Fermanagh & Omagh Council have been doing in order to boost the tourism product which was happening within this area. He said that day by day and particularly under the current circumstances we see visitor numbers grow and grow to potentially what we see now was a global product in terms of selling the Dark Skies and Stones Circles and all those different things. He advised that as long he has been in Council and years before that, people were always very upset that this area didn't get the recognition that it duly deserved and was great to see it getting there with the statutory bodies like Tourism NI and Tourism Ireland etc advertising the Sperrins on a global platform and anything that would jeopardise or do harm to that was definitely not good for this area.

He said that on the same token he would like to include a remark and stated that sometimes proposals like this could muddy the water with traditional quarrying which goes on right across this Council area. Quarry was a traditional industry which had been here for decades and provided thousands of jobs which was done most of the time in a sustainable way and although sometimes there were breaches and encounter different breaches, generally they were world leaders in what they do. He felt the Council needed to be careful in that we may disagree with in this type of extraction as it was not white-washed and not all painted with the same brush and to protect what was there and what was sustainable and what delivers well for this Council area.

The Planning Manager said that it would be useful for members to realise that Fermanagh & Omagh and Mid Ulster Councils had done different things in the Sperrins. Fermanagh & Omagh had put a line around the map indicating that there should be no mineral extraction and totally protected everywhere, whereas Mid Ulster were much less discriminatory in the fact that we protected the most important areas as we recognised a lot of our industries and this continue and if there was some sort of expansion in exchange for some reinstatement of the land once they done that bit which was going to be a good thing. He said that the bottom line was that people need to make money and provide employment and we try to balance and sustainable as there was a need to do this as there was a place for everything. He advised members that the report was balanced and haven't claimed that all the water was going to be taken, rivers were going to be polluted or people were going to get cancer etc and focused on the key issues as we share the area with Fermanagh & Omagh and that joint custodianship was what we were interested in and to make sure things were looked at and dealt with properly.

Councillor Clarke said that he wished to say a few words in support of what was said previously regarding the report. He advised that whilst the proposed site was not within Mid Ulster, the site was interlinking and when the area/development plans were eventually adopted the new ASAI which was a very significant element and will go right to the boundary of where that site was and very important as ASAI was very important to Mid Ulster, but the half of it would be Fermanagh & Omagh which cannot be split as this proposal was right on the edge and overlooking that ASAI. He referred to quarrying and the fact that Dalradian stated that they were not going to use cyanide, but when you go into the bowels of the earth and going a few miles below sea level and when you get into scenes where gold, silver and copper, you also happen

to find other dangerous natural products which would naturally seep out and seep into rivers and waterways. While Dalradian may not be using cyanide, they might release equally as dangerous materials and whilst he agrees with the normal quarrying which happens for rock, sand and gravel, they are basically in the earth products which were clean and no substances seeping out to cause any serious pollution and this was another difference between traditional quarrying and mining.

Councillor Colvin said that he was all for the environment like everyone here present and felt that some traditional quarrying can destroy the environment which he can see everytime he drives from Moneymore to Magherafelt. He enquired if the Council had defined a policy here and in the instance of Dalradian submitting an application then there wouldn't be the competency assessment as a prior decision had already been made and could undermine this committee like some sort of legal thing and enquired if this committee were typing their hands here for any future things.

The Planning Manager advised that a policy was proposed but policies with the public domain to make sense of the draft Area Plan which has been submitted to the Department and awaiting the outcome. He said that this was not on the back of our policy as Mid Ulster did not cover Fermanagh & Omagh, but they have their own policy and only a few months away from a public enquiry and waiting on a date. He stated that Mid Ulster's policy does not oppose as a mining blanket but opposes mining in particular places like the Sperrins where they could be carving away things of natural beauty. He stated that this was more to do with the scale and intent and the potential for possible damage to the environment and due to the changing matters to the application he feels that there were issues here that needed addressing and the best place for this was the public domain and the only way he could guarantee that they were asked was to table some items for the agenda. He clarified that no applications would be refused in Mid Ulster because they were contrary to the Fermanagh & Omagh Area Plan, it would be the Mid Ulster Plan if they were.

Councillor Mallaghan wanted to apologise to Councillor Quinn in advance of his next statement, but wished to make sure that this Council's objection if approved here tonight was sound and referred to Councillor Quinn's comments regarding speaking at a rally on Saturday in Coalisland against gold mining and was now wondering if a QC was looking into this would this cause a difficulty for this Council down the line.

The Planning Manager advised that if a person had already given their position it could be an assumption that this person didn't look at this application unbiasedly as they already set out their position before proceeding and this could be considered as an interest.

Councillor Quinn said that under the circumstances that he would be happy for another member to propose the recommendation to keep everything above board.

Councillor McKinney said he wished to make a few observations regarding this and stated that in previous Council meetings there were a number of parties who always said that they were opposed to gold mining and if a party made that statement at a Council meeting from a party representation, said he didn't know how this would fare out coming to a planning committee. He said that he would be concerned regarding the legal aspect regarding the comments which were made and Councillor Clarke's comment indicating

that the goldmining was not even in Mid Ulster Council area which was correct regarding the one which was talked about. He stated that he had been contacted during the week about large sums of money being offered to landowners within his own area for drilling and wasn't talking about a few hundred pounds but more like thousands of pounds. In felt that in the future there could representation by some mining companies and was careful not to mention any particular names and as previously stated, a lot of people were tying themselves up with pre-decisions and pre-statements of planning committee and when members had been well taught on what to say and how to conduct themselves. He said that he would be concerned about the legal aspect and when it runs its course and the possibly of this Council falling down a legal loophole as the ball was already rolling within our area as was the case in his area and although the application may not be submitted it was only a matter of time before one was received. He stated that he was very concerned regarding comments and statements made all along and throughout in previous meetings and also a Councillor addressing a rally making a determination before it has already come and would also be concerned as it seemed that things were being rushed and would like everything to be right and concurred with Councillor Mallaghan's comment regarding tarring everyone with the one brush as there was a lot of industry involved with mineral extraction and although it was known as quarrying, it all came under the mineral policy and felt there was a need to go slow and get this one right.

Councillor Cuthbertson said within his lifetime within the Council there was one if not two motions brought to Council relating to topics such as this, although he could not recall the wording or date and may be worthwhile looking into. He remembered on one occasion highlighting the fact that this could compromise Mid Ulster Council or Councillors proposing and seconding supporting this going forward if an issue was brought to Mid Ulster District Council and felt that this needed to be looked at. He advised that he wasn't an expert on mining and presumed that members which spoke earlier were not experts either and also comments made by the Planning Manager regarding removing a top of a mountain and took this as a literal comment, but he has seen no evidence of what they were going to do and would be confident that they were not going to destroy a mountain like that and felt that the committee should hold off as it wasn't within our Council area and seconded Councillor Glasgow's proposal earlier in the meeting.

The Planning Manager advised that his comments relating to the mountain was about the general protection of the Sperrins. He stated that this was not a planning decision and was only setting out comments for consideration and all that was being brought forward was an argument to be considered.

Councillor Corry proposed to the recommendation in place of Councillor Quinn.

Councillor Corry's proposal was put to the vote:

For	8
Against	5

The Chair advised that Councillor Corry's proposal was carried.

Proposed by Councillor Corry

Seconded by Councillor Mallaghan

Resolved That it be agreed –

- 1) Based on the information currently available and without the advice of all consultees, to object to the planning application as proposed based on both the long term visual impact and issues of concern relating to volumes of traffic both during the construction stage of the proposal and the operational phase of the proposal as these will have a significantly detrimental impact on the amenity of the residents in the area.
- 2) As the application is premature to the Fermanagh and Omagh Draft Plan Strategy public examination by reason of its scale that it would prejudice future decision making.
- 3) To reserve the right to raise further issues of concern at the public inquiry or at any time preceding the date of the inquiry should additional or amended information be received.

Matters for Information

P105/21 Minutes of Planning Committee held on 6 July 2021

Members noted minutes of Planning Committee held on 6 July 2021.

Live broadcast ended at 9.55 pm.

Local Government (NI) Act 2014 – Confidential Business

Proposed by Councillor Corry
Seconded by Councillor Brown and

Resolved In accordance with Section 42, Part 1 of Schedule 6 of the Local Government Act (NI) 2014 that Members of the public be asked to withdraw from the meeting whilst Members consider items P106/21 to P110/21.

Matters for Decision

- P106/21 Receive report on commencement of preparatory work for Local Policies Plan
P107/21 Receive Enforcement Report

Matters for Information

- P108/21 Confidential Minutes of Planning Committee held on 6 July 2021
P109/21 Enforcement Cases Opened
P110/21 Enforcement Cases Closed

P111/21 Duration of Meeting

The meeting was called for 7 pm and concluded at 10.30 pm.