Conjoined Public Local Inquiries into the Curraghinalt Project, Strule Arts Centre Omagh

Topic: Strategic Matters & Principle of Development, Monday 13th January 2024 (Day 1)

Attendance Note as taken by Cathal Mullan, apprentice solicitor, Harte Coyle Collins

Planning Appeals Commission Inquiry Panel

Commissioner Donaghey (Comm D)	Commissioner McParland (Comm McP)	Commissioner McKeary (Comm McK)

In attendance

Dalradian Gold Ltd Stewart Beattie KC (SB KC) Scott Lyness KC Dr. Michael Gordon – Turley Consulting (Dr. MG)	**DFI Planning Service (the Department)** David Elvin KC (DE KC) Barney McKay BL Graeme Walker – DFI Planning Service (GW)	**3rd Parties** Chris Bryson – Gravis Planning UK (on behalf of supporters) **[Inaudible]** – Gravis Planning UK (on behalf of supporters)
NIE Networks William Orbinson KC (WO KC) Sophie Hunter solicitor – Carson McDowell Seamus Fay – RPS Group Nigel Crawford – NIE Networks	**DAERA/NIEA** Andrew Byass BL (AB BL (DAERA/NIEA)) Neil McAllister – NIEA Stephanie Miller – NIEA	**3rd Parties** Fidelma O'Kane – Save Our Sperrins Cormac McAleer – Save Our Sperrins (CM) Niall McAleer – Save Our Sperrins Marella Fyffe – Save Our Sperrins Mary Brolly solicitor – Brolly Jameson (MB sol)
Fermanagh & Omagh District Council (FODC) Conor Fegan BL (CF BL) Paul McDermott – FODC	**3rd Parties** Gerard Moyne – Defending Environmental Wealth (DEW) Sean Gallagher – Defending Environmental Wealth (DEW)	**3rd Parties** Acland Bryant BL (AB BL) Laura Neal solicitor – Friends of the Earth NI Andrew Ryan – TLT LLP
Derry & Strabane District Council (DSDC) Philip Kingston solicitor – DSDC Proinsias McCaughey – DSDC Dermot Colhoun – DSDC	**3rd Parties** Councillor Paul Gallagher – Sperrins District Electoral Area (Cllr PG) Paul Haughey (PH) Martin Tracey (MT) Cathal Mullan apprentice solicitor – Harte Coyle Collins	**3rd Parties** Dean Blackwood – The Environmental Gathering (DB) Sean Tracey – Communities Against the Injustice of Mining (ST)

Time Noted	Speaker	Note
10:24		**[Commissioners are seated]**
10:28	Comm McP	While waiting members of press want to take video of inquiry, you can do so now for next three minutes, anyone who wishes not to be captured please stand to the side.
10:31	Comm McP	Can cameras be switched off and removed please.
	Comm McP	Ok, good morning, everyone and welcome, I am Commissioner McParland, housekeeping matters, exits located at front and rear …
	Comm McP	The Planning Appeals Commission is an independent statutory body, I am accompanied by two commissioners, Ms Davies has been appointed under section 204 of the Planning Act (NI) 2011, present next week to advise in respect of hydrology. I want to explain at outset the specific role of the Commissioners, tasked to consider representations, all representations that have been forwarded have been read, issues have been identified, matters will be discussed on topic basis that was made available, at the end of the process, after considering evidence/representations we will prepare reports for the relevant referring authorities, they must take these into account before making their decision, ownership of their decisions sits with the referring authorities, we will ask specific questions to the referring authorities, will seek views of other participants, once answers have been received will moved on to the next question, related to DfI, NIEA, and DAERA referrals, comprising eight applications; a regionally significant application, two called in applications, an application for consent to discharge, application to abstract and impound water and an application for a road abandonment order. The inquiry into the application for a road abandonment order sits outside the statutory authority so DfI roads will be charged. The Commission is statutory tribunal – independent, approach matters with an open mind. Appreciate the high level of public interest, if there is any inappropriate behaviour you may be asked to leave, we are aware of images taken of the pre-inquiry meeting, can be disconcerting, secret filming a violation of privacy, no video or audio allowed to be taken, for these reasons, everyone must turn off phones, pen and paper available, break of few minutes prior to first topic and you can request pen and paper.

		All communication with the Commission should go through the PAC email account, you must not contact Commissioners directly, all 3rd parties who want to make representations, sit in front two rows, they should come forward on specific topic, sit at table highlighted, also request that those members of public who intend to observe only sit further back, allow others to sit near front, prior to opening of particular topic, we will take a note of who wants to speak, invite them to speak, we want as many people as possible to speak, please speak slowly, if point has been already raised pleased don't raise again, it's in evidence, we will try to conduct inquiry in a way in which everybody is comfortable. Manner of inquiry, topic basis, facilitate discussion of each area, round table discussion, everybody has full opportunity to express views, all Departments have expressed views, issues raised in representations, Statements of Case and Rebuttals will form basis of the inquiry. May be an issue has been adequately addressed in written evidence, will only raise questions where there is a gap, aware of strongly expressed views in representations, everyone focus on points, not personal criticism or extravagant language, no clapping. Procedures specifically for this inquiry, all participants expected to be here every day in accordance with agenda, will start every day at 10am, lunch for 45 mins, finish 4:30/4:45pm unless discussion unduly protracted, at close will give approximate time frame for reports to Departments, will not sit on 19th March, shortly revised timetable excluding this date will be published, now discuss strategic matters, envelope left here before we started who left this?
10:42	DEW	We did, we represent population in Donegal.
	Comm McP	Are you Donegal County Council?
		No, we represent the population, we have no idea where we sit in respect of transboundary effects, no correspondence received in reply to our correspondence
	Comm McP	Mr Walker did you receive letter from Donegal County Council?
	GW	Representation from Donegal didn't arrive until Friday, significant amount of material.
10:43	Comm McP	Topic for today or tomorrow touching transboundary issue, I have no issue with you contributing, in future, leave nothing on this desk, goes to the Department in the first place.

	CF BL	On submissions that only came on Friday, they haven't been exchanged, no criticism, expect to be exchanged with all parties, there may be strategic matters in those of relevance so need to understand.
	DEW	In respect of the transboundary issue, the Department notified Donegal County Council in April of last year, they did not reply, in November the inquiry was advertised in obscure local paper 28th November, we accidentally found it, response had to be in by 6th January, in the notice did not mention anything about water.
10:46	Comm McP	We will discuss transboundary issue. Mr Elvin I will ask you separate questions on this, if people who wish to make representations could come forward, identify yourself to staff, fill the tables marked 3rd parties, front two rows, we will cover SEA, EIA, human rights, HRA, project parameters, principle of development in accordance with development plan.
		[3rd parties leave audience and sit at 3rd party tables]
10:48	Comm McP	We will start by taking appearances.
		[Appearances given]
	DFI Planning Service	We only received submissions on Friday, we chased it on several occasions. **…**
11:00	Comm McP	Today's topic is strategic matters.
	3rd parties	Question for planning dept. Difficulty picking up voices.
	Audience	Speak up.
	3rd parties	This was brought to attendance the last time.
	Comm McP	We have restricted use of the corridors to the side because of the last time, speak with microphone close to mouth, only way. Much obliged.
11:01	Comm McP	3rd parties raised concerns in respect of the parameters of the project, 8.9 million tonnes to be resourced, also stated there would be 1200 – 1500 tonnes fed to the plant per day, operating for 365 days a year for a projected 20 – 25 years. The issue raised by the 3rd parties that the ore process figure based on the lower range, when 1200 x 365, can Department account for difference of nearly 5 million tonnes, can the Department give an indication that those figures sufficiently precautionary.
	DFI Planning Service	We are satisfied.

	Comm McP	Applicant, please advise as how arrived at.
	Dalradian Gold Ltd	The maximum amount would be the maximum processed on single day, obvious variation in any given day, you would expect the average to be significantly lower, it certainly isn't in line with maximum in any single day.
	Comm McP	So in parameters, production rates are between 1200 being the lowest rate, 1500 is upper, if you multiply 1200 x365 x 20 years being the shorter lifetime, you get 8.6 million tonnes, if 1500 is multiplied by 25 years, its 13.68 million, there is a difference of nearly 5 million tonnes in those project parameters, obviously the parameters dictate the Environmental Statement and impact, is figure 8 million tonnes precautionary, the worst case scenario.
	Dalradian Gold Ltd	Yes, even if able to process more, at that rate, the time frame for the total exploitation period would reduce, 25 years maximum would reduce to 20 years or less than 20 or less if at that high rate of production.
	PH	Are we saying here now at this stage at this amount there is a defined amount of material, I thought there was to be exploration, defined amount, that can't be the case if contrary in submission.
	Dalradian Gold Ltd	Any mining process, certain amount of drilling to determine if economically viable, process will be ongoing, if there are higher grade areas you want to go into, exploration allows to you to develop mine in optimal manner. Constraint to project will be volume of dry stack, fill up the dry stack, looking for most efficient way to develop mine.
	PH	Finite amount, based on how quickly to process, if you explore more, you find more, mine more.
	Comm McP	Mr Haughey, questions go through me.
11:09	Dalradian Gold Ltd	If planning permission were granted, restricted in parameters set by conditions, if Dal, wanted to extend beyond would need new planning permission, no automatic right to keep expanding.
	Comm McP	That brings me to the conditions, condition that would suitably restrict the resource to be mined … **[interruption]** wait, I've asked question, need answer.
	FOK	Just in relation to previous question …
		[Comm McP waiting on reply from the Department]
11:11	Comm McP	To be helpful its page 20, MD8.
	DfI Planning Service	Page 20 of?
	Comm McP	Of your conditions.

	DfI Planning	Sorry didn't tab my appendices. Yes, MD8 requires the development to be in accordance with design parameters
	Comm McP	Parameters include 1200 – 1500. the Rochdale envelope is fixed, up to you for recommendations to Minister
	DfI Planning Service	The Rochdale envelope is fixed it is up to you to make recommendations to the Minister.
	Comm McP	We make representations to the Department. Should condition be worded more along lines of 8.9 million tonnes.
	DE KC	The Department can't pre-judge what you are going to do, matter for you not the Department, conditions should reflect parameters that should be assessed, providing a consent identified a range of parameters, that is lawful, looking for Commissioners recommendations.
11:14	Comm McP	Ms O'Kane.
	FOK	I was just going to say that in December 2016, Dalradian produced a feasibility study needing cyanide, withdrawn in June 2018, we have been waiting for another feasibility study since that, no further feasibility study.
11: 14	Comm McP	Ms O'Kane you are away ahead.
	FOK	Just another wee point, that man spoke, ES said it was the worst case scenario, but I think …
	Comm McP	What I was going to say was the ES has to assess effects in worst case scenario, looking at the range.
	Comm McP	Sean Tracey.
	ST	Ask through yourself, first, 20 - 25 years is inclusive of commission and decommission.
	Comm McP	No, operation only, 2 years for construction, 1 year post-closure. In total potential is 23 – 28 years from start of construction.
	ST	Fine, just difference in calculations, carbon neutrality uses 28 years, assessing ES that can't be taken since HRA completed as per *Sweetman*.
	Comm McP	Bear with me, HRA possibly tomorrow.
	DE KC	Only concerns appropriate assessment under HRA in *Sweetman*.
11:18	Comm McP	Cormac McAleer.
	CM	Issue of quantities, volume of extraction, in reading documentation, find impossible to get clear understanding of what amount of ore for gold, talk about copper as well, more recently tellurium.
	Comm McP	Again, Mr McAleer coming on to this.
	CM	They've had 3 years of exploration project, then 7 years.
	Comm McP	Honestly, if you give me time to ask the questions.

	CM	Really concerned that so many questions in respect of different topics. we will jeep you right, we will tell you, there's been lack of transparency to participate
	Comm McP	We will keep you right, we will tell you.
	CM	There's been a lack of transparency to enable participation.
	Comm McP	There is access, plenty of space, we're not getting into procedures.
	CM	Emphasised public procedures.
	Comm McP	If they want to speak, they can come and speak.
	CM	That wasn't the impression at pre-inquiry meeting.
	Comm McP	We're moving on. Mr Tracey.
	MT	Quick clarification in respect of the figures, how much input on the Waste Management Plan into the Department's rebuttal, my issue is that Golders were intricate in …
	Comm McP	Will give opportunity to comment on this further on. Mr Fegan.
11:21	CF BL	Two issues. In respect of project parameters – condition MD8, FODC would benefit from clarity, invite PAC to make that recommendation., stick to 8.9 million tonnes amount, needs to be spelt our clearly; second point, reference to range of 1200 – 1500, important to clarify through you, all the impact assessments have been taken by reference to 1500, will have knock on impacts of other assessments, across all topic areas, I don't think that has been answered as 8.9 million raised but that a separate issue.
	PH	Relating to statement by DFI barrister, it is up to you to make recommendations. As to quantity, they are the technical experts, they should be coming up with this and pushing on to you, they are making you decision maker, that is their role.
	SB KC	We consider parameters to be suitably precautionary, there will be a condition, discussion, may well be that there is merit, we may be more informed once we reach discussion of dry stack.
	Comm McP	Are they worst case scenarios.
	SB KC	Yes.
	Comm McP	But 1500 x 25 years?
	Dalradian Gold Ltd	Yes, but there are constraints on the operation, I don't have the people here, satisfied they have considered it. Maximum into dry stack, maximum into overall production, daily rates are consideration of what may or may not happen, I don't have the people here.
	Comm McP	From memory here, mine design statement, something that says if dry stack reaches capacity there is an area to west that would be used for overflow, in the appendices for the mine waste plan there is that paragraph in it, first few pages of appendix g.

	SB KC	Point I making is there are series of parameters that determine what is possible, I understand context of your question.
	Comm McP	Whether ES adequately precautionary.
	SB KC	Absolutely content that it is, simply don't have people to address your questions.
	Dr. MG	We have drawings available of dry stack facility, no ability for it to creep west, that is what is shown on application drawings.
	SB KC	Useful series of constraints, of utility to have session on conditions which draws together all information, not wanting to upset timetable, inevitability that it will impact on conditions.
	Comm McP	If Department/consultees, without prejudice basis, please be alert, whether content with conditions.
	Comm McP	Who would be responsible planning authority for enforcement?
11:30	DE KC	It depends slightly whether any breach falls within Departments enforcement powers, depend on breach whether department or council, FODC would look at breach in first instance.
	Comm McP	Could you identify those powers.
	DE KC	Yes, but not immediately, I'd need to look them up. Section 139 of the Planning Act (NI) 2011, Department power to enforce, may issue notice for breach of planning control, if expedient consult relevant council, must be served, series of other procedures that apply.
	Comm McP	So, Department in essence will be enforcement body but will need to consult, will power lie with department only?
	DE KC	No, power of FODC to enforce under preceding section 138.
	CF BL	Mr Elvin correct, sections 138/139 overlapping, if breach of planning control, could be taken by either, however, would expect with regionally significant application Department would take lead in respect to enforcement, only reason we raise, in other contexts there have been some disputes about that.
	DE KC	We can't fetter discretion of referring authorities, but I would agree with Mr Fegan, but that can't be fixed.
	Comm McP	In hypothetical situation, if Commissioners in opinion that parameters aren't suitably precautionary, would that have implications for studies in the ES, for example, water usage, electricity usage, discharge, traffic movements, more waste produced, if the Commissioners find that the parameters are not precautionary/worst case scenarios, are figures used in ES affected.

	SB KC	Always precautionary approach, water, noise, people etc. will have taken precautionary approach, good practice to take precautionary scenarios.
	Comm McP	If they take the maximum amount of production rates, or ore processed …
	Dalradian Gold Ltd	Other point, we talk about 365 days, but maintenance days included, mine won't be pushing through that amount every single day.
	DE KC	Certainly in context of environmental matters, it is not unusual to assume production or emissions at maximum rate assuming 24 hour a day, 365 days to assess worst case scenario, doesn't mean it will work that way, on hypothesis that Commission weren't happy, expressing no view, up for Commission to advise as to what the condition should set as what it considers has been assessed in ES.
	CF BL	Before we go off that, question mark remains over the 1500 and how that feeds in, we agree with Mr Beattie, that we confirm throughout that 1500 has been used and confirm in that assessment as most refer only to 'the project parameters', otherwise we do have a problem.
	PG	Will you be giving consideration to recent judicial review of 15th October 2024, **[Re Derry City and Strabane District Council's application for judicial review [2024] NIKB 84]** quite a number of breaches found …
	Comm McP	That's a point I'm coming to.
	PG	Could also within that move the parameters, this is about public confidence, when talking about enforcement, DSDC had to bring this judicial review with risk of costs to ratepayer, point being, if granted, if they talk of moving parameters, they will do as they have done, enforcement, a judgment found many breaches and they continued to act. In the summer, in this room, we were told this has no relevance.
11:41	Comm McP	I have questions relating to it.
	CM	There is an application for further exploration works, earlier it was mentioned that it is the maximum amount for extraction, as mentioned parameters have been moved before.
	Comm McP	I have questions, if you please let me.
	CM	Responsibility for enforcement, no agency or department for gold mining, bedevilled the enforcement of any breaches by Dalradian up to now as deemed by Council not expedient against Dalradian as afraid of this big company and because the conditions were so vague, robust conditions removed at behest of Dalradian, not sure if responsibility for enforcement or statutory oversight of works in underground cavern as seem to public to be exempt from any authority or oversight, vast

		cavern, crushing operation, polluted water, who is responsible, some of these issues, are expert not here today, we didn't expect this detail.
	Comm McP	All I am trying to figure out through these questions is whether the ES is suitably precautionary.
	CM	Nothing enforceable with this as so vague, there is no single Department, DfI don't have total overview of this, nor does NIEA, Council left with it in 2014 when starting gun fired, for them to enforce and they haven't the resources and I don't think the Department has the resources.
	CF BL	We don't accept the characterisation of FODC's enforcement.
	SB KC	Nor do we, construction of conditions I am concerned, we are better informed now, but I don't accept characterisations but conscious you coming to them, so I won't go any further.
	Comm McP	Applicant alluded to further minerals not on P1B4, can the Department confirm what minerals will be extracted.
	DE KC	Matter for applicant. Primary target is gold, silver and copper referred to, other items may be removed, seems to Department that it gives no rise to other issues in respect of what environmental issues assessed or affects.
	Comm McP	P1B4 form has no mention of copper or tellurium, please take me through the processing of ore so we can determine whether further environmental information needed.
	Dalradian Gold Ltd	Reference in Rebuttal statement is 3.2 - 3.4, P1 form description is of underground valuable minerals mining so really about that ore body.
	Comm McP	Parameters have changed?
	Dalradian Gold Ltd	No, always same ore body processed, end product a concentrate, not gold bars as applied for, dropping of proposed use of cyanide in 2016, end product is a concentrate, Mr Merry can explain more.
	Comm McP	Mr Merry could you walk me through processing, ore extracted, flotation process?
	Dalradian Gold Ltd	High level, ore gets crushed, underground sorter, conveyed to surface, additional crushing and milling, process plant, brings the ore, the rock to a smaller size, add reagents, effectively what they call float, so floatation reagents allow the minerals that contain the **[inaudible]**
	Comm McP	Prior, would it only be gold and silver.
	Dalradian Gold Ltd.	Can get metallurgist to take you through. Other minerals would have been in the concentrate, looking at different minerals over time, some have more importance now, tellurium now of more significance for clean energy, just matter of whether effort to take this out, there will be detailed processing of the concentrate to be

		used in downstream industry, on site the minerals will follow flotation process.
	Comm McP	End process where minerals separated from rest, previous version, would there be a higher concentration of tellurium
	Dalradian Gold Ltd.	Understanding tellurium would follow copper/silver
	Comm McP	Just wondering if it would affect the water chemistry, water filtration through to DFF, and water discharge, whether it will affect water chemistry.
	Dalradian Gold Ltd.	All the water in process in the **[inaudible]** plant.
	Comm McP	Question I'm asking, do we have accurate studies in front of us, samples would include those minerals, what's been assessed, minerals now following that process will not impact quality. Now saying there will not be increase in tellurium in dry stack facility.
	Dalradian Gold Ltd.	Colleagues with detailed knowledge, it's a closed system, we have assessed through geochemistry studies, comfortable from environmental assessment perspective, we will know what water quality was going to be, how it would be treated and how it could be discharged.
	DE KC	We don't have witness to deal with it, this is a mining/metallurgy issue, not at first blush water issue, we have mining scheduled on 3rd – 4th March.
	Comm McP	Trying to ascertain what the ES covers.
	SB KC	Yes, reported about, in chapter 6, tellurium assessed.
	Comm McP	Assessed in respect of water?
	SB KC	Yes, always been in ore body, different process since cyanide, that's what's in concentrate, there is no change to that concentrate, it is what it is, it contains what it contains, nothing new, copper suddenly becomes more retrievable, don't want to stray without experts, we say the concentrate is the concentrate, if you want to drill down into it, no pun intended, Geochem present next week, we'll see what we can do.
	Comm McP	Beneficial if someone here next week to address these questions.
	SB KC	Absolutely no issue with that, David Bol **[phonetic]** here, questions going into mining, we'll see what we can do, flag up and look up and report back to you. The Mine Waste Plan, may tap into that, we can back to you, today or tomorrow.

	Comm McP	It's just to confirm the materials we have are correct as compared to what Dr Gordon has in his Statement of Case.
	Dalradian Gold Ltd.	Should be.
	MF	If ore body has changed, if process changed, parameters hugely important, impacts every part of this, otherwise why would we use these parameters.
	Comm McP	What do you mean ore process has changed.
	MF	I'm no expert either. As said by gentlemen on left, ore body and process had changed, we understand that the process to remove tellurium or mallidium **[phonetic]**, is that the same process, does that affect the water.
	Dalradian Gold Ltd.	Process is shifted off site, the concentrate as described, taken off site, further elements further processed, no change in process.
	Comm McP	C2 no changes used in flotation process
12:03	Dalradian Gold Ltd.	Correct.
	Comm McP	Mr Tracey.
	ST	Mockery of own carbon neutrality assessment, once we can get hole in ground, where is assessment of exploration techniques and metalloid, as member of public this is ridiculous, every metalloid has different toxicological effect …
	Comm McP	Slow down, **[writing]** I'm fast but I'm not that fast.
	ST	… major ramifications for the process.
	CF BL	Want it to be clear on evidence heard, no change of process stated, made mention of changes in targets, not ore or concentrate, the source of the concern in the processing plant, is there anything being tweaked/targeted in the processing plant, the P1B4 serves a purpose, adequate particulars of information in order to make a decision, shift in P1B4 G, S – T and others, it's important to clarify if any tweak change in processing as can have knock on effect.
	SB KC	You sell the concentrate, they take what they want out of it, I know it touches downstream **…** There is ***no*** change to the process, Mr Merry reasonably clear, someone buys the concentrate they will do with it what they will, we are ***not*** tweaking the process, concentrate comes out and for purchaser what to do. We haven't moved from P1B, if someone believes it should have been amended, I don't regard it as a form that affects the application.
12:08	FO'K	The 2017 application was to remove rock, crush, soak in cyanide concentrate, 2019 they remove the cyanide process, they said then, in advertisement in paper I remember, chemicals never listed, one of the

		gentlemen mentioned the chemicals or agents to be added, would that add …
	Comm McP	Not for today, more likely to be appropriate on day allocated for Mine Waste Plan.
	DEW	Water from this site will come into my jurisdiction.
	Comm McP	Likely to be covered
	DEW	Just saying that if you don't dig it up it doesn't become a problem, hopefully.
	Comm McP	Mr Martin Tracey.
	MT	The question here that I have is respect of the concentration process, with the large number of metal agents, I see in their recent carbon statement, the company never referenced ….
	Comm McP	Again, this isn't in relation to transboundary. Will be coming up to transboundary and legal matters later as well as topic days.
	MT	Freedom of Information request made stated that the levels of arsenic in concentrate of %, China would not allow 0.5% and that was not made mention of in any statements. Concerns in respect of concentrate that hasn't been addressed or notified to general public up to this date.
12:14	SB KC	You'll search in vain for that in volumes of papers, appears in newspaper column on Friday, we don't know what the letter is on about in terms of China.
	MT	Passed to applicant from Invest NI, Hang Seng bank correspondence, the issue with this mine is not the local community's opposition, it is the dangerously high levels of concentrate. How come the Department here doesn't know about it. Was passed to Dalradian by Invest NI. A copy can be passed to yourself Chair. As a matter of fact chair I think I said copy to PAC.
12:15	Comm McP	That's not come to us.
	PH	Included in submissions and letter sent in October. Originally application, 24 gold doré bars specified, the end-product is not now that, but concentrate, in the documentation it is mentioned 37 tonnes of tellurium, this is a material change in the application in respect of concentrate they have changed.
	Comm McP	Has been known about for 6 years.
	PH	We haven't been made aware of chemicals used in that process **[inaudible]**. Suggestion by applicant, they said the processing dependent on what customers want, process now is whatever you want, it is not offsite, the technical expert has said they will tweak what they want in the floatation process.
	Comm McP	For Clarity, are the chemicals outlined in the statement
	SB KC	Yes.

	PH	PB1 form has changed, this should be a resubmission.
	Comm McP	There will be no change to those chemicals.
	SB KC	**[inaudible]**
12:20	Comm McP	Mr Haughey, you need to be concise.
	PH	Sorry, led to other question.
	Comm McP	I have questions about this coming forward
	CM	One question, which P1 form is the operative one.
	Comm McP	We have two forms, P1B form submitted in 2017 unchanged, the P1 form was amended in 2019 so the P1 form sets out description of development and the P1B sets out the minerals to be extracted.
	ST	Clarity from Mr Merry, would it be right in saying you would have to tweak the flotation process
	Comm McP	From what he's told me no, the process on site would be same.
	ST	Not talking about on site, you would have to change chemicals for particular metals.
	Dalradian Gold Ltd.	There will be no chemicals in the listed process, stated in Environmental Statement.
	Comm McP	Will there be change in the quantities
		Need to speak to Metallurgist.
12: 24	Comm McP	Moving onto SEA, 3rd parties have raised concerns, SEA should have been undertaken to assess regional operation programme. 3rd parties, why is an SEA required.
	PH	Not my point but, they have 122 hectares, 11 hotspots for gold, mentioned copper, tellurium, the prospecting licence for this site is 1000 hectares, no doubt they will be looking at other mines in this area, they will say nothing planned, 'can't rely on speculation', can't be the case, number of other different prospecting licences, this is negligent by the Department to start mineral development, SEA to begin with, previous involvement in development plan, only mention of valuable minerals at that point of time, the legislation up to now, dealt with aggregates and salt and not previous metals and that's why we need an SEA.
	Comm McP	Yes, Ms O'Kane.
	FOK	We agree completely necessary, not outback in Australia, is an Area of Outstanding Natural Beauty, Owenkillew Area of Special Scientific Interest and other designations, Glenelly woods, Black Bog Ramsar site, so many areas that could be affected.
	Comm McP	Mr Tracey
	MT	Highlight need, we have raised concerns about the Ramsar sites and other protected bodies, especially the Owenreegh Rever, upstream and downstream of discharge point, as far as I can see that is not

		acceptable under EU law, when the department is asked about it, they have refused to address.
	Comm McP	Please be mindful, the question is why an SEA is needed.
	Cllr PG	Danger of salami slicing, introducing this piecemeal bit by bit, if and when this is approved, will add on, add on, disregard conditions imposed.
	DEW	Has Donegal County Council provided this body with an SEA in relation to this project or any environmental impact statement.
	DE KC	No requirement for SEA, introduced in 2004 by EU, this is not a plan or a programme for a specific project, the requirements of SEA add nothing and do not apply unless **[pauses].** They do not apply. The requirements of SEA are not useful for objectors, legal requirement under NI Regs is only to assess plans or programmes not project.
	DEW	**Makes mention of Kyoto Protocol.**
	DE KC	Only applies if SEA regulations engaged, not engaged, specific requirements observed in regard to EIA, no point reading an unrelated document.
	PH	What DfI saying there, linking to microlevel, SEA is for the regional, fact that isn't undertaken to date, 25% under mineral licence, DfI potentially malfeasant.
	DE KC	I have not admitted anything, what I have said is SEA does not apply, what is before Commission is a project application, plans and programmes, the EIA requires likely significant effect, EIA already require assessment of all those relevant considerations, I agree relevant environmental considerations have to be assessed, in this context, not SEA.
	ST	Is this not a project?
	DE KC	Its only plans and programmes under 2004 regulations, this is a project only require EIA, protections are as strong.
	ST	What would represent SEA, would t
	Comm McP	I content with Mr Elvin's answers, Mr Beattie anything you wish to add?
	Comm McP	3rd parties made mention of the judicial review in respect of the DSDC judgment, I am seeking 3rd party views on the rebuttal statement of Dalradian regarding this.
	MB solicitor	Could we be allowed time to consider that and come back to you today or tomorrow. Will revisit today.
	Comm McP	Applicant has tried to provide their own comment on.

	ST	Sure the judgment still stands. provided a legal argument to rebut your issues, I conscious you haven't had a chance to rebut them,
	Comm McP	The applicant has provided a legal argument to rebut your issues, I conscious you haven't had a chance to rebut them.
	Cllr PG	Thank you Chair, I haven't seen the rebuttal, the judicial review was held, findings stand for themselves, department, were found in breach of numerous things, this legal judgment found that statutory duties were breached, continued to be in breach for the whole duration.
	Comm McP	Just to clarify the licence that was challenged was not for this site. Was the licence challenged for this site?
	Cllr PG	Well …
	Comm McP	Yes or No question.
	Cllr PG	Not that simple.
	C2	
12:41	MT	Could you possibly ask why FODC didn't involve themselves in this.
	Comm McP	Not issue for this inquiry.
	MT	You raised issue for this area.
	PH	As far as I recall there was a statement by Campbell that they erred in law **…** this project would not have got the go ahead at all, they erred in law, that was the statement made as they didn't do the screening at the mineral statement stage, we would not be here today if that hadn't been done.
	Comm McP	Mr Beattie anything further
	SB KC	Can I wait until everyone has made their point in regard to this and I will come back, I understand Ms Brolly want's to come back to it.
	ST	Forgive my ignorance for field of law, it wasn't the geographic are that was challenged it was the process challenged.
	Comm McP	Was it not the licences under challenge?
	DE KC	Looking at Madam Justice McBride's judgment, it is specific to those three exploration licences and the processes associated with those licences. The facts are different.
12:46	MT	I believe that is a failing on FODC not to be involved in this process.
	Comm McP	Again.
	DE KC	It's a matter of fact, if you have a concern with the council, raise it with them.
	PG	Would there be remit within this inquiry, to inquire as to the Department for the Economy …
	CF BL	We don't accept the representations that have been made on the failings of the Council.

	CM	Was there not a notice on the Department, in view of the fact of decision of the court, that they should have referred themselves, the Department responsible for issuing licences is not present here.
	Comm McP	Again, you would need to bring that up with the Department for the Economy.
	DE KC	The criticism relates to whether or not matters are licenced, doesn't give permission to develop, your consideration as you well know, your consideration includes the environmental affects and consultation that was found to be missing by DSCD case, we are tilting at windmills, it doesn't relate to the planning application here.
	PH	Can we ask the Department please, one mine on 1000 hectare site, has there been a habitat screening on this prospecting licence.
	Comm McP	The prospecting licence is not before us Mr Haughey. Not DfI's responsibility, Department for the Economy's responsibility and I am moving on.
	DE KC	These matters have been screened for habitat assessment as is before you Madam Commissioner.
	Comm McP	Ok, I'm going to ask a very, what I hope is a very simple question, 3rd parties have raised that the mine application was made under the 2015 EIA regulations.
	DE KC	Question of when regulations came into effect. This application preceded it.
	Comm McP	Preceded in submission date or screening date?
	DE KC	Screening date. I'll give you the reference if you like, reg. 48.2 **[quotes regulation]**.
	CF BL	9th August 2016.
	ST	Excuse my ignorance of the law, major component of application removed, not then a new application?
	Comm McP	I have questions on that.
	ST	**[interrupts]**
		I ***have*** read your concerns, we will get there, at this rate probably Wednesday, on that note we will take a break.
	AB BL	We have so far discussed EIA, SEA, very hard to discern they are all strategic matters, great assistance to myself, and other parties if these could have addressed that in the agenda. we are not issuing a futher timetable, you need to be across the information.
	Comm McP	We are not issuing a further timetable, you need to be across the information.
	AB BL	There is a lot of information.
	Comm McP	A lot of this material will be revisited when get down to technical aspects, we are where we are, the topics are set, not to say people

		won't have opportunity to raise concerns, they will, we will direct them to raise them on that day.
	AB BL	Second point briefly, listened to some evidence, we have 3rd party evidence that hasn't been made available to us.
	Comm McP	The Commission won't take that representation, take it to DFI or DSDC directly, it is a matter for the Department.
	AB BL	There has been evidence referred to in 3rd parties' Statements of Case, the reference made to the Freedom of Information request.
	Comm McP	It is available in our office, if you wish to see it.
	PH	Sorry, one of the Departments, NIEA, referring to Dalradian's application …
	Comm McP	I have asked simple question on timing and screening of EIA, now you are speaking of water. I want you to focus your evidence on EIA regulations.
	PH	Argument based on timing of applications.
13: 02		If you had listened to Mr Elvin's evidence, there is a reason, a matter of law … You're going beyond the question. We will discuss after lunch. We will be back at quarter to two.

LUNCH

Time noted	**Speaker**	**Note**
		Commissioners returned. Cathal Mullan apprentice solicitor approached desk of Commissioner McParland to advise of appearance as was seated in audience. Commissioner advised not to approach desk, speak to PAC admin team. Spoke to PAC admin team, advised of appearance, 'Cathal Mullan, apprentice solicitor, Harte Coyle Collins solicitors', admin staff approached Commissioner, took seat at 3rd parties' table.
13:48	Comm McP	Return to Ms brolly for response to question 6.
	MB solicitor	Just noting the case law, whilst I can appreciate that it **[[2024] NIKB 84]** may be distinguished from what is before the Commission today, need to take on board in that instance, Justice McBride found there was clearly a public interest matter and key point was the she did consider at great length the inadequacy of information available, an issue we can take on board. If I might as well, if Commission would permit, matter of SEA raised earlier, nature of timetabling and failure to exchange all statements of case …
	Comm McP	SEA available widely on Department's website, wasn't raised in rebuttals.

	MB solicitor	Stand corrected, but other matters only coming to light today, disadvantage us and other 3rd parties in this matter, something that perhaps the Commissioner would let us have a more detailed timetable to allow us opportunity to address the issues. Mr Beattie to return possibly tomorrow with experts, **[inaudible]** would benefit ourselves and commission in keeping to timetable. Matter of SEA raised this morning.
	Comm McP	Solely question 6.
	3rd parties	Can I refer Department to DFI website that makes mention of plan or programme and a matter that is a regionally significant project, surely those words should alert the department, as a gold mining application, should alert Department that this could have catastrophic impact, surely department should deal with it by way of SEA in this instance.
	DE KC	SEA is not for matters of particular environmental concern.
	CF BL	I note the Commissioner expressed a view on this, two parties have raised issue of more detailed agenda, would be of assistance, broad topics, for example, we may be addressing climate and *Finch* issues in strategic discussion, reading agenda thought would be that come up.
13:54	Comm McP	Not dealing with climate in detail, raised in applicant statement rebuttal, therefore giving opportunity to comment. 3rd parties raised regional exploration licences, should regional exploration licence programmes be raised in ES?
	DE KC	Position in regard to exploratory licences is a different form of development and indeed is not a matter for DfI.
	Comm McP	Is it an approved and existing project?
	DE KC	If one take's MJ McBride's judgment may be seen as project. Certainly not in HRA terms **…** In combination with EA, yes in principle.
	Comm McP	Are they?
	DE KC	I don't know, I didn't know you'd ask the question. There are hundreds of issues Madam Commissioner, this is the largest inquiry I have come across without more detailed topics, with the greatest respect.
	Comm McP	With the greatest respect, we asked the Department to advise of topics to discuss.

	DE KC	Clearly you have list of questions in front of you, in previous cases we have been given them, fair opportunity for 3rd parties to respond, fairness is very important for the public, trying to assist you better by knowing better what will come up. End of the day, Madam Commissioner we don't want to have a JR, with the greatest respect this is your inquiry.
	Comm McP	You weren't here at the pre-inquiry meeting.
	DE KC	Just because you have a list from us, doesn't tell us what you want from us. I'm simply saying at the end of the day you would get less assistance than you would have had, we are having to deal with issues on the hoof.
	Comm McP	Should the existing mineral licence project be included in ES?
	SB KC	Yes. In so far as licence application, there was an exploration application subject to assessment, we say yes, we will have to caveat it, you've asked questions, but I'm going to have to take instructions, I don't think I have realistic prospect tomorrow for someone to deal with that, I have witnesses all over the world, doesn't matter what I have to say, some misgivings about some, not the questions, but even knowing what the topic might be, say you have a list, we would tonight, first thing in the morning, who we have, where we have a gap, what we are doing is taking a careful note of what is asked, what is outstanding, I have to say, with the very greatest respect, I think it would be helpful to have banner headings. I'm worried I will be saying 'Can I get back to you on that' not necessarily satisfactory. We will do our best.
14:02	Comm McP	I can highlight the questions we propose to ask – rest of EIA and its adequacy, then we touch on precautionary approach, few questions on water, department's NIEAs legislative requirements, questions on notification of planning applications, questions on Aarhus, question on Golders report, question on human rights, question on the principle of development. Those are the day one and day two issues, everything else for the rest of the week is highlighted in the timetable.
	DEW	Donegal timetable, as we have travelled here today from Donegal, we would like to know going forward when will the transboundary issues.

	Comm McP	Be discussed in EIA and high level issues discussed in EIA, implications for transboundary will be discussed throughout programme for water and water ecology and possibly a bit for the mine waste plan. just immediately before lunch, you said it would not be entertained.
	DEW	Just immediately before lunch, you said it would not be entertained.
	Comm McP	I said you would have submit it to the Department.
	DEW	That authority was notified in April last year of this impending inquiry, last question in letter, 'is this something you might be interested in', I don't think [that appropriate. Is our submissions actually going to be part of this or not.
	Comm McP	I haven't seen them.
	DEW	I wrote one of them. Who then is responsible? Do we have no role here then or do we. I rather have questions I would like to take the Department through.
		Do we have no role here then or do we …
	SB KC	Sorry commissioner, it's been a while, what's the question?
	Comm McP	Department have said that the mineral exploration licence has been taken into account as part of the ES **…** Not just the one for this site, the regional **…**
	DE KC	I thought you meant the … I don't know, its not my client
	Comm McP	You said you thought **…** was a project. Surely if the one for this site is a project then anything else in the region is a project. Have they been addressed?
	DE KC	Not in a position, DfE responsibility
14:08	Comm McP	Mr Beattie
	SB KC	I'm afraid I'm going to have to take a discussion on this, ES scoped in 2017, I do not instinctively see how regional assessment would link to cumulative assessment for this site.
	Comm McP	I will go on to my next question, in 20**[inaudible]** mine waste plan that the mine waste facility will also store exploration waste, drilling muds and the DGL regional surface programmes respectively, will store muds from other exploration licences **…**
	SB KC	Ok, now I will have to take instructions, I don't think that's Mr Merry, I think that's where I want to stop, I understand why you've asked what you've asked, I can't give an off the top of the head **…**
	DE KC	We will equally have a look at scoping.
	MT	Issue I see here is prospecting licence instrumental to this matter, without them how would you see, they should all be taken together as one, without prospecting licences they've used, they would not have the information to be here, the licences re instrumental, them

		to not include is not unbelievable, Department for Economy have advertised a further eight prospecting licences for Derry Strabane District Council area, should be taken on board, two belonging to Dalradian, for them to say not relevant or not include in any assessment is totally beyond the realms of belief.
	Comm McP	Yes, Mr Fegan.
	CF BL	The cumulative impact in the original chapter 9, if you go to 9.1 and 9.2 the relevant sections **[quotes source]** does not contain information on licences we are talking about, question falls to whether any are capable of having cumulative effects, not addressed in cumulative impact assessments to date.
	Comm McP	Mr Haughey.
	PH	I want to reiterate the barrister of FODC, the cumulative effects, the original ES didn't consider copper or tellurium, there are eleven hotspots and fifty minerals, basically what I'm saying is for gold, and as well so fundamental to the ES is the arsenic accounts
	P. McAleer 3rd parties	Comments from your own reading or reviewing of report, waste being brought from multiple sites, should that not be a category A.
	Comm McP	Facility on mine waste day.
	P. McAleer 3rd parties	Further issues here in respect of multiple mines, appreciate you have to deal with what is in front of you but these things are all connected.
	CF BL	Probably helpful to read this out, there is slight overlap with cumulative impact on ecology, information provided to you **…** when we get to ecological contexts **…** water licences should be subject to cumulative impact assessment – question again of not only exploration licences, but discharge contents and the other as projects **…** doesn't appear to be address in cumulative impact chapter of ES.
	Comm McP	So, Mr Beattie, now …
	SB KC	Point about aquatic ecology and **[inaudible]**.
14:18	Comm McP	I assume **…** for your **…** the third parties have stated that an ES should be completed for the water application, should that be completed.
	AB BL (DAERA/NIEA)	Licence applications not planning applications.
	Comm McP	I'm asking in respect of wat discharge and water extraction should there be an ES.
	AB BL (DAERA/NIEA)	Sort of statements prepared will relate to EIA, not legislative requirement to do so.
	Comm McP	Does the Water Resources (EIA) Regulations (NI) 2017

		apply to the water Order?
	AB BL (DAERA/NIEA)	Madam, I'll come back to you, we take the view it doesn't, but I want to give you a considered answer.
	Comm McP	How long will you need?
	AB BL (DAERA/NIEA)	**[inaudible]**
	Comm McP	Please keep in mind, I might come to you for specific questions in hypothetical terms as to whether it is applicable.
	Comm D	Good afternoon, project comprises three separate applications, 3rd parties allege that the project is an example of project splitting.
	SB KC	Common sense level, can't make application for DFI for extraction or water, have to make application for DFI roads, NIE making their applications separately as their responsibility is for the construction of the power line, so we don't accept that there is project splitting, then within remit of Department themselves to call the matter in, for the Commission for how to proceed, applications made in the appropriate statutory framework, argument not sustainable with that context in mind, ultimately for Department to take forward, we can't ask the apple seller for a pear.
	WO KC	Want to endorse what Mr Beatie has said, all parts cumulatively assessed.
	DE KC	Relevant to consider regulation 33A of **[inaudible]** where subject to planning EIA you don't need to do it.
	MT	Regards to NIE have they done any further scoping to the line that they are running, claim in their own statements, not economical to take from other aspects, economics shouldn't come into planning application especially in respect of Area of Outstanding Natural Beauty, would the NIE have any further plans to adjust further projects – in the Aughabrack or Donemana areas
	Comm D	I intend to deal with on conclusation as tag along to.
	WO KC	No intention of NIE to use for other projects, a standalone line.
	PH	In relation to that, if I may, documentation …
	Comm D	Raised consistently in third party statements.
	PH	Application made in 2017, revamped in 2019, why were all applications not made at the same time, so this is project splitting, if this wasn't project splitting this would be made at the same time
	MT	NIE, can they say that this will be used by anything other than standalone.
	Comm D	That's not the issue I'm addressing right now, specifically project splitting.

	ST	I'm going to annoy you even more, sorry, I was thinking of water discharge …
	Comm D	We'll address that.
	PH	Just to show it is project splitting, all other 7 applications work towards EIA 15 and therefore all working to the same thing.
	WO KC	We act in accordance with regulations applicable at the time, there is no prejudice, there is no project splitting.
	PH	What of the staggered timeline
14:31	WO KC	There is no obligation on NIE to apply for planning permission for its proposal, when it did apply, we complied with the EIA regulations.
	SB KC	Terms of the application, chapter on cumulative effect, ES and assessments predicated on **[inaudible]**, purpose is the EIA Regs are properly assessed, project splitting is leaving something out of account, absolutely clearly has not happened, timing for NIE.
	DE KC	Project splitting is as Mr Beattie says is like Spanish railway case to avoid implication of being a major project, these applications will be determined together, the vice of project splitting is the avoidance of EIA when required, that is not the case here.
	P. McAleer 3rd parties	Just on project splitting, the original site of Camcosy road, applied for and approved in 2018, was never restored, the current proposals are to use that infrastructure.
	Comm D	We are coming onto that.
	P. McAleer 3rd parties	They are connecting through the mountain, it is clearly project splitting.
	PH	Just going back to NIE representative saying we made application in 2021, the extraction and water impoundment licences were not made with the 2017 regulation, they are using different legislation at different times, just shows they were project splitting.
	AB BL (DAERA/NIEA)	Promised to come back to you, regulation 3.1, an EIA must be carried out **[quotes source]**, 3.2 defines relevant project, has to be a water project for agriculture, for avoidance of doubt, regulation 3.3A wouldn't apply.
	ST	Could you speak into the microphone please.
	AB BL (DAERA/NIEA)	The Water Resources (EIA) Regulations (NI) 2017 regulation 3.2 requires the project to be for agriculture, Mr Elvin's point regarding 3.3A **[inaudible]**.
	ST	Are they stating that a water discharge…
	AB BL (DAERA/NIEA)	No, I was asked about water resources regulations – they are not applicable to goldmining but they applicable to agriculture.
	DE KC	Reason for regulation 3 is to prevent duplication.

	Comm McP	the water discharge and abstraction is covered by the water EIA.
	ST	I thought if considered as trade effluent would require an EIA.
	Comm McP	What legislation are you referring to.
	ST	Don't know off the top of my head.
	Comm McP	Mr Tracey if you can come back to me.
	ST	NIEA and Department should have this covered, not for us, respectfully.
	Comm McP	It's up to you to substantiate your claim. You have to answer the question, if you can come back to me with the legislation I will take your point on. 3rd parties have raised concern in re the use of cyanide, can the Department confirm the use of cyanide has been removed from the process.
14:40	DE KC	Yes, some time ago.
	Comm McP	Has the department reviewed the ES to ensure that all references to the use of cyanide have been removed, remains reference to cyanide in 2020 Mine Waste Plan, appendix, G1, Part 1, Para 5.1, is the Department content that cyanide is not being used.
	CF BL	Could I have the reference one more time Commissioner.
14:42	Comm McP	2020 Mine Waste Plan, appendix G1, Part 1, Para 5.1
	MT	Could I make a point here, regarding your concerns as to discharge, should these professionals not have this at their fingertips as well.
	Comm McP	Applicant anything to say in mean time
	SB KC	Yes, there is no cyanidation proposed, it looks historic as it refers to doré gold bar production, in terms of the approach, if there is any shadow of doubt, we can address further on, I can see it is there, it needs to be dealt with. I'm grateful for you for bringing that to our attention
	Comm McP	There is a concern that it will be reintroduced post planning.
	SB KC	I am instructed that it can be deleted.
	John Merry (SRK Consulting) Dalradian Gold Ltd.	The original engineering design report, appendix G, it has two addendums, we did not remove the reference, there is absolutely no intention to include cyanide.
	Comm McP	Basically, left original there and have put addendum in?
	John Merry (SRK Consulting)	its dated 2017, we've hadn't tried to update it.

	Dalradian Gold Ltd.	
	DE KC	Clear it's the 2017 report.
	MT	Just in relation to this, community has raised a number of occasions, Dalradian's 2017 feasibility study, they state that it is not viable unless they can produce doré bars on site, they've never replaced that feasibility study. I believe this is only magnifying that Department and Dalradian have configured to muddy the waters what this actual planning application is all about, I have to raise concerns with the DFI, DFI's doing a better job for Dalradian than they're doing.
	DE KC	The fact we have views, I have agreed with a number of statements by objectors, we are here to assist the commission to reach its conclusions and its report.
	PH	This goes back to November 2017 when Cyanide was mentioned the only way this report could work would be with the use of cyanide, we say it was a material change, that should, we say, result in a new application, we do believe, that the intention is to have a cyanide processing plant on the island of Ireland, in 2019 they said they will process it oversees, they still haven't said where they are going to go.
	DE KC	To clarify the position regarding the removal of cyanide, it was made clear, going to the non-technical summary para 2.4.1 deals specifically with the removal of cyanide from the process, this was produced in July 2019, if there was any doubt, the non-technical report makes it clear.
	SB KC	Cross-reference for 5.1 in G2 is the updated addendum removes the reference. Just making good Mr Merry's point.
	CM	Some of the people are in the front row, people in front talking to you and not using microphone consistently, in respect of cyanide, it has not been removed, it is going to be moved to Nova Scotia, do this to make it easier for politicians to make it easier to approve this project, Dalradian will claim that it is non-viable and the employment would not function, they are not including anyone in Tyrone about their plans. They say it is removed, cyanide has a bad name, bad P.R., not only about cyanide and the heavy metals that the cyanidation process has created, anyway the removal will be temporary and the references removed, its non-viable without it, there's no feasibility study to show that it can be done, there isn't

		really a regulated process at all, that's still an issue with us that is in Canada, Nova Scotia, it is equally toxic over there as it is here.
	Comm McP	Yes, Mr Haughey.
	PH	One final point in respect of cyanide, there was an application for PPC consent, it is our belief that the cyanide process will come back at a later date, the requirement to remove the PPC consent, including all the chemicals, greenhouse gas data assessment, how can that be removed when there is millions of litres, a cocktail of chemicals.
14:56	Comm McP	Department satisfied that the cyanide removed?
	DE KC	Yes, would not only require planning permission and PPC certificate, if the commission think it is necessary it can be conditioned.
	PH	Once again, Mr Elvin has pushed the technical decision onto you, it is up to you to make the condition.
	DE KC	If you think the condition is necessary, we welcome your recommendation.
	Comm McP	Should amendment in application to remove cyanide in 2019 require a new planning application, Mr Beattie thank you for you statement of case on this.
	DE KC	No, planning law recognises amendments without need for new application, cyanide was one part of the processing application, it was subsidiary, not to say it is not important, but the application removes fundamentally the same.
		You're satisfied the full consultation has taken place.
15:00	DE KC	Yes.
	Comm McP	Yes, Mr McAleer.
	P. McAleer 3rd parties	Just reported that removal of new cyanide wouldn't require new planning application, what if added.
	DE KC	New application would have to be submitted, or a variation to a condition gives rise to reintroduction of cyanide.
	Comm McP	Answer is yes it would require new planning application and permit.
	DE KC	If planning permission were granted, there is a statutory procedure for varying conditions.
	PH	Just regards that statement, it needs to be a substantive change, the removal of cyanide processing plant has to be substantial, the final product has changed, not talking about concentrate and direct to various people, their talking about 37 tonnes of tellurium, **[inaudible]** tonnes of copper, they will push through any planning application and say it is a minor change.

	DE KC	I disagree, Lord Keith, Inverclyde, **[Inverclyde District Council v Lord Advocate and Others [1981] UKHL J1112-2]** no good reason why amendment of application should not be permitted … this change was made some time ago, squarely before yourselves and the public, it is changes to subsidiary elements of project that is the same, the extraction of valuable minerals.
	Dr Amy Strecker 3rd parties	Sutherland school of law, University College Dublin, speaking in professional capacity, speaking in respect to consultation process, goes to strategic matters, would like to raise some points regarding Aarhus convention.
15:04	MB solicitor	Mr Elvin had made reference to "spanner in works", is inappropriate for independent, neutral person to make that comment, that inappropriate and withdrawn.
	DE KC	… that inappropriate and withdrawn.
	DEW	I'd second that
15:05	DE KC	The point is that you can't use minor or subsidiary elements …
	MT	Thank you for the clarification.
	DE KC	It's a judgment of the House of Lords. That approach has been applied to a number of applications. There are two aspects, it mustn't be a fundamental change to the nature of the application, there must be adequate opportunity for the consultation body to reach its decision.
15:07	Comm McP	Unauthorised development question from 3rd parties. Can the Department first of all direct me to the relevant drawings for the existing infrastructure site.
	DE KC	Not immediately. Perhaps I could ask Mr Beattie.
	SB KC	Thanks for that.
	Comm McP	I can only find a 1:1700 scale map and site closure plan, I can't find drawings for elevations/cross-sections.
	Dr. MG	You won't find original drawings in original ES, do you not think you need to show drawings to show what you are retaings – C2
	Comm McP	Do you not think you need to show drawings to show what you are retaining.
	CF BL	It's pretty well established that drawings aren't there as far as we can see, that is a deficiency in the application.
	Dr. MG	In 2017 when planning application, drawings weren't in relation to anything retrospective.
	Comm McP	Site closer plan 2019, at that stage unauthorised.
	Dr. MG	Didn't become unauthorised until 2020.
	Comm McP	It was outside the three years.

	Dr. MG	Three-year start from period of decommissioning.
	Comm McP	All parties agree unauthorised.
	SB KC	Not in dispute Commissioner.
	Comm McP	Before the Commission we have an unauthorised development, you are seeking to retain for 28 years, and we have no drawings for it.
	SB KC	The application description seeks retention of building already there and that's why drawings not there. If drawings are required, we would like to check if we have, is it described yes, do we know what it is.
	Comm McP	3rd parties have said there is infilling of land of 8,500 tonnes. Do you have a cross-section for me. I'll give you time. Mr Fegan.
	CF BL	Important distinction between plans, article 3.3B of General Development Procedure Order requirement to have plans to describe the land, separate from article 3.2A Also, point that is made by Dr Gordon about 2017 application for retention, not correct, original P1 form, does say retention, even at that point the proposal was partly retrospective in nature, at the point unauthorised or not, whether seeking retention of existing development you have to provide drawings of that development.
	Comm McP	Mr Blackwood.
	DB	They have dealt with quite a number of appeal cases dealing with infill on land, ref: 2015/e00300 conclusion of that was that where no details of infilling, there is no permission. Think I had mentioned was 8500, 8000 I think cited by Department, infilling brought onto sight for permission **[reference cited]**, no doubt as professional planner it is an unauthorised development, site being so close to sensitive site can never have been assessed if it was unknown if it was going to happen, no indication that any body was aware, said in the assembly infilling was inherent in the application. If you haven't got the details, you haven't got the permission.
	Comm McP	Mr Tracey.
	MT	Number of changes to that site, whole security fence below the road, done illegally as no planning permission to do it, Fermanagh & Omagh have been very good in relation to our concerns, there have been serious material changes to that site.
	DE KC	Deal with Mr Fegan's article 3 point, not simply article 53 application, dealing with new series of applications incorporating

		previous work, the plan must relate to the specific application for planning permission, article 3 opens with an application must be made to appropriate **…** Sometimes there will be a section 55 application retrospectively validating, series of cross-sections showing proposed site, article 3 requires that plans supporting current applicant not simply one element of it, we suggest article 3 relates to application before Commission. It is the totally, looking at what is sought now.
	Comm McP	I'm sorry, application before us, I also don't understand your statement, so say it again and take it slowly and we might get there
	DE KC	Mr Fegan has said the legislation requires drawing for the application, the application includes the element of existing development.
	CF BL	The development relates have prospect and retention elements – no plans or drawings for retention elements – that is necessary for this application.
	DE KC	I will leave rest for Mr Beattie if that is the case.
	Comm McP	Yes, Mr McAleer.
	CM	Department have known about this for long time, never approved as Mr Blackwood has said, I have photographs in my rebuttal if you would like to see them, considerable number of thousands of tonnes dumped on the site.
	PH	At pre-inquiry hearing, term was illegal not unauthorised, how can they make new application.
	DB	Reiterate point of Mr McAleer, whilst he was saying that I said the development was unauthorised the second point is that the site was not assessed for its environmental effects.
	SB KC	Under section 54, there is a difference between the buildings and the issue raised in respect to waste rock, that was part of exploration rock, no enforcement in respect of that, we not quite clear what waste is being referenced and what the complaint is.
	Comm McP	issue of Mr Blackwood, infill that is brought on site.
	SB KC	That news to me, will take instructions.
	Comm McP	Drawings?
	SB KC	There are no cross-sections you are right **… [cross talk]**
	SB KC	We don't accept that the absence of drawings leaves people not knowing what it describes.
	Comm McP	Nobody has ever asked for these drawings?
	SB KC	First time, ever raised with us.

		If would assist you in clarifying, perfectly happy for you to do that. I have the point, I've heard what you have to say, if something more is required.
	Comm McP	If something required, we will recommend to Minister.
	SB KC	We will look at these as we go through, may be picked up again at landscape and visual. What I'm anxious to make sure, normal at end of planning appeal, this is not planning appeal … some of the issues can be properly slotted in, it is relevant potential to recommendation and more importantly to your assessment.
	Comm McP	Ms Brolly.
	MB solicitor	Does the department accept therefore that there is an inadequate application?
	Comm McP	I'll get there. Mr McAleer.
	CM	Something Mr Beattie said, always intention to retain site at Camcosy.
	[Author failed to identify speaker]	Always in application. In P1 form.
	CM	Do you mean from 2012
	[Author failed to identify speaker]	2013-2007. It's not project splitting; it's just an extension.
	[Author failed to identify speaker]	Mr Gordon could possibly answer. Always intention to retain building on Camcosy road.
	Dr. MG	Once resource stablished, intention that point on to retain buildings and that is why then application to regularise submission.
	Comm McP	Mr Fegan.
	CF BL	Just to make distinction, suggested gently Council didn't ask for drawings, s. 54 application, comparing apples and oranges.
	Comm McP	MR Tracey.
	MT	Re this site, if deemed illegal since 2017, this has serious implications under human rights legislation and Aarhus.
	Comm McP	We will address human rights. Mr McAleer.
	CM	Just a point Commissioner, the comment about the part of the site, Dalradian includes the comment in their application even then. Dalradian deals with in their rebuttal …
	Comm McP	We will be dealing with that next week. Mr Haughey, you need to start to make your presentation in a concise manner.
	PH	The original site had 44 conditions, 16 of them there went through the process to have them quashed, what is process if we find that

		material was imported what enforcement would Department undertake immediately.
	DE KC	I've been looking at the Order again it depends if you consider it to be necessary.
	Comm McP	How have you considered impact of that development.
	DE KC	ES considers impact ore development. If you don't think it adequately considers it, it is a matter for your recommendation.
	Comm McP	Did you consider whether infill on site.
	DE KC	I think that is a matter for you. If you are not satisfied that is something the Department will want to see in the report. The question of necessity is for you to judge on the evidence, but there has never been any doubt that this did not involve retention. Section 131, it is only illegal if enforcement notice under section 141 and that it is breached. Something may be a breach of planning control, but it doesn't make it illegal in the sense of criminal
	Comm McP	Mr Blackwood.
	DB	The department was aware in 2015, say so in the Minister assembly question answer.
	DE KC	I not disputing breach of planning control.
	Comm McP	Council states existing infrastructure site, applicant, agrees, is this compliant with practice management note 9.A. and case note therein.
	DE KC	I'll have to remind myself.
	Comm McP	Mr Tracey.
	MT	If the applicant is aware, it is unpermitted, I have correspondence two years ago from Council that there was breach of conditions notice had been served before the Christmas holidays, removed before the Christmas holidays, if applicant admits that, why did applicant threaten to JR
	Comm McP	I'm asking if site is compliant with practice management note.
	CF BL	We are happy to speak to it, perhaps better if we raise once other parties have addressed the point.
15:44	DEW	While we are waiting, considering we have two and a half hour drive, at what point will we as citizens actually be heard or not.
	Comm McP	I'm happy to take your oral statement.
	DEW	I'm really considered, this is not about me, about humans, people in Donegal, appears to have been no communications as required by statute law with the minister, no EIA, no contact with EPA, we have not adequately had an opportunity to make representations to this commission, I'm not sure if my submission will be looked at.

	Comm McP	We will address tomorrow, will be dealt with substantively next week in terms of water and water ecology next week.
15:46	DE KC	I was just checking 9A, Dalradian says unauthorised development that took place was not EIA development, so issue for Commission is to consider if it was.
	Comm McP	If it was proposed to be retained, is it not project splitting.
	DE KC	It is simply incorporated into the project, when incorporated within larger project it is subject to EIA subject to your consideration that it needs plans. C2 – the exploration works, that were limited to 3 years, are they materially different to the size, scale, frequ. Of the mine proposed for 25 years and therefore a change in the size and scope of development
	Comm McP	The exploration works, that were limited to 3 years, are they materially different to the size, scale, frequency of the mine proposed for 25 years and therefore a change in the size and scope of development.
	DE KC	Doesn't mean it's project splitting or the earlier aspect was an EIA development, certainly a part of EIA development now, significantly different now but doesn't mean **…**
	Comm McP	Do you accept proposal before us incorporating development is EIA.
	DE KC	**[inaudible]**
	Comm McP	I don't feel I've have had an answer. Is ES compliant with the Department's practice note.
	DE KC	The Department's practice note is dealing with retrospective development rather than new development, it is a new development.
	[Author failed to identify speaker]	I don't think anybody can argue that.
	DE KC	The Department 's practice note … the aspects of those parts … I'm not convinced in respect of 9A is to apply to these circumstances.
	Comm McP	Even if consider case law on 9A, the applicant having an unfair advantage, has the Department considered baseline studies.
	CF BL	It should be.
	DE KC	No.
	Comm McP	The department hasn't. Mr Tracey.
	DE KC	Can I just finish answer, unfair advantage is subsumed into considerable consultation on one project, seems difficult to regard as unfair advantage, the fact that they already there doesn't mean

		you will recommend **…** have to be considered only in scope of current application, no freestanding application.
	Comm McP	C2 my consideration is whether baselines on ES are accurate, can they be relied upon … MR Tracey.
	MT	MT – The gentleman stated that they ran out of time to….
	Comm McP	Questions about that later on … Mr Fegan.
		DMPM 9A, unauthorised development issue, common to all parties accepted, they have been unauthorised since 2020, the issue which arises in this case, part of this application is seeking retrospective consent for that development which is unauthorised, DMPM 9A both in its preamble and para. 2.4 says that unauthorised in this context has same meaning as breach of planning control under 2011 Act so can be no dispute as to authorised. EIA development, don't agree with the Department, smells very much like project splitting, parts of this project being sliced and diced, in effect single project, assessed as single project in ES, now being said this bit of it is not EIA, don't need to worry about it, can be sliced off form wider EIA pie, view it as contrary to case law on viewing project wholistically, it is described as being part of the integral whole, also section 54 dealing with specific variations, the restoration plans, we're looking here at retention of buildings for lifetime, when that's pointed out in applicant's legal submissions, we then say in our Statement of Case, the principles on unauthorised EIA development engaged, Commission needs to be satisfied that exceptional circumstances exist to grant retrospective consent, *Ardagh Glass*, *Commissioner v Ireland*, DMPM 9A, adequate public engagement required, this inquiry, don't take issue with that, thirdly, unfair advantage, broader than public engagement, when look at DMPM 9A examples, financial advantage, self-evident the applicant has gained financial advantage as they have not restored site, they have gained advantage in respect to assessments, carbon assessments, skewered baselines. There are other topics where unfair advantage persists; in our Statement of Case we have said it is a legal impediment to planning permission. Those legal bars exist to granting of planning remise. If you are with us in respect to unfair advantage, exceptional circumstance, Department should refuse planning permission as matter of law.
16:00	DE KC	Mr Fegan's submissions confused a no. of issues, **[inaudible]** secondly, it is part of consideration of the merits test.
	Comm McP	Yes, but I will be asking the Department.

	DE KC	If you are satisfied that the ES as it stands is suitable, adequate to consider the scheme in its totally. It has to meet the Blewett requirements, doesn't have to be perfect. Adequacy of ES is different question, just because it has now been included in bigger development doesn't mean EIA development at the time, Mr Fegan submission illogical and wrong as a matter of law. Example, I build shed, then build EIA development, doesn't make shed an EIA development, it's not project splitting, the vice of project splitting is that something is not subject to EIA when it should. Elements to be retained are subject to EIA, it has to be considered as part of this project, *Ardagh Glass*, factory was built in wrong location, it was found that it could be granted lawful permission because if twas subject to EIA.
	Comm McP	Department raise any points in respect of Mr Fegan submission in respect to unfair advantage.
	DE KC	Not unfair advantage as they have to seek consent, if permission refused, they have to remove. It's a question of degree isn't it. It's important also to bear in mind, *Ardagh Glass*, where 9A sources itself, it is judicial commentary, and it is not further in EIA regulations, one should not apply to extent as if it was applied by statute, particularly as it was in section entitled common sense.
	CF BL	*Ardagh Glass*, not only case, consistent line of case law, snapshot of law in 2018, Department expects other stakeholder to take head of its guidance notes, I would be surprised if those guidelines should not be applied by those decisionmakers. This unauthorised aspect is not being deprived of proper environmental assessment, that is wrong, building wasn't subject to environmental assessment, now forming part of EIA development, where it gets into issues, unfair advantage, the ecological situation, that site looked at not as greenfield site, but a developed site, I don't accept that the vice of project splitting doesn't exist.
	DE KC	This unauthorised aspect is not being deprived of proper environmental assessment, that is wrong …
	CF BL	Building wasn't subject to environmental assessment, now forming part of EIA development, where it gets into issues, unfair advantage, the ecological situation, that site looked at not as

		greenfield site, but a developed site, I don't accept that the vice of project splitting doesn't exist.
	Dr Amy Strecker 3rd parties	Please use microphone.
16:10	DE KC	I am using microphone. Bearing in mind what Mr Fegan has said, important to note that EIA not just ES but the process, clear in Blewett case, mere fact that omitted issues, doesn't make invalid, one has to look at totality of process including consultations.
	Comm McP	MR Beattie, ask you a few questions and you can come back to me holistically.
	SB KC	Alright.
	Comm McP	I note rebuttal on development concerns of unauthorised development, is the section 54 application to extend period of restoration materially different for proposal before us to bring buildings back into use.
	SB KC	Yes, applicant discussed time periods, they were expressly requested by Council to limit the time, parties knew application under section 54 and predecessor to secure matter going forward and to be heard at the inquiry, applicant invited Council if they wanted to refuse section 54, if refused to be heard before the inquiry, nothing to do with 25 years, was to hold that position for materials to be considered. All that time and they still are to say no, to refuse the section 54, principle of fairness to allow my client to engage their appeal rights, that sets this so far *Ardagh Glass* and *Commission v Ireland* to be unrecognisable, it is not the same, it links to it, it links in a very specific way, that of course explains as a matter of common sense why screenings were negative as section 54 were to retain for a time limited period, as pointed out by Mr Elvin, if this application does not succeed doesn't mean building being taken down, completely different factual content to Ardagh Glass or any other case. Section 54 above ground building where build subject to lawful authority, my client made lawful application to keep them for lawful time period, reason not withdrawn, time agreed lapsed for a number of issues due to issues with Council, thinking if appeal withdrawn on 22nd May and new application lodged six days later, no contention of leaving at that, seemed far more pragmatic than taking to Commission to go back

		to Council. That is 2 years plus or so, sitting with Council, tells us in its statement that its keeping matters under scrutiny…
	Comm McP	2023 submitted? 18 months.
	SB KC 16:16	18 months, time moves on. One would possibly think sands of time going to run out on it as before. One might ask the question objectively, why has the Council stat on this for 18 months. If it wants to get rid of buildings, why hasn't it gone and don't it. If it had environmental concerns, why didn't issue section **[inaudible]** notice, objectively asking what's the delay, why would you hold back, very difficult not to be drawn to one conclusion, that it is opportunistic, allow my client to trigger its lawful rights of appeal before an independent planning authority that can deal with it. All of that is unique, I am not aware of any case … I'll not go on.
16:18 16:21	CF BL	Submission could only fall into exceptional circumstances point, doesn't touch financial advantage point, we don't accept those are exceptional circumstances. In DMPM as reflected in case law, in respect of characterisation we wholeheartedly disagree with, ultimately planning applicant or land owner responsible for compliance, reality is Dalradian has acted in breach of planning control, has sought to regularise breaches, has not done so expeditiously, Mr Beattie doesn't t account for the non-determination appeal rights his client could, in his words 'get on with it', his client could have done. One of the reasons the current application is not being progressed is that there is a shared consultation with environmental services so the Council is not in a position to progress. To suggest Council acting in way to give advantage to self in public inquiry is wholly baseless. 16: 21
	Comm McP	Mr Tracey.
	MT	Clarification, Mr Beattie's stated that it seemed to be Council to be dragging heels, the applicant applied for extension, five days before hearing they withdrew it **…**
	Comm McP	Are you asking if PAC has made submission … is this hypothetical …
	MT	Mr Beattie states that Council withheld determination.
	Comm McP	Applicant always has right for non-determination appeal. They made the section 54 application previously, once they withdrew the appeal, they withdrew the application full stop, the council are determining it at present.

	MT	I have correspondence for Shared Environmental Services saying they will not be giving recommendation to Council.
	CF BL	CF we are not aware of this.
	Comm McP	It is not their remit to give a recommendation.
	SB KC	I haven't answered unfair adv. As CF stated but it has been asked.
	Comm McP	Is there an unfair advantage to the applicant.
	SB KC	No, I would have to work out the costs of taking down buildings … No advantage jumping out at me, these buildings will go, the question is whether they'll have to be taken down and go back up. We don't accept there is an unfair Advantage, baselines you flagged at the pre-inquiry meetings in March, our ecologist will deal with it, carbon assessments deal with it, is there carbon expenditure for taking down and putting building back.
	Comm McP	We will ask questions at start of every topic.
	SB KC	We don't accept either that there is unfair advantage or anything that prevents assessment of appropriate baseline, if there is an issue about ecology and balance to be taken, we do not accept forms totality of evidence, frankly if one might think, we wouldn't have agreed any extensions of time with Council and would have taken them down, we didn't exercise non-determination appeal rights, to answer… To answer Mr Tracey, reason didn't go to appeal, to Commission would have looked like a new application, time already gone, felt more pragmatic, withdraw it, put back to Council, we didn't exercise non-determination appeal rights, first I've heard SES won't make a decision.
	Comm McP	I think there might have been cross-communication. I'm not taking either party at face value for what they've said on that.
	SB KC	If you want to start parsing the time, sitting at least year now with nothing having happened, if there were any environmental concerns or any anxiety the Council could have made a decision without SES. To that extent Commissioner can I think about the finance a bit more, instinctively, it's not been stated in stark terms of evidence, if we think about it, three appeals, two applications, individual revaluation of chapters in terms of baseline, I will look at it and come back to you.
	Dr. MG	Can I pick up issues about waste rock storage area … common ground is building unauthorised ., storage area not unauthorised.
	Comm McP	Mr Fegan.
	CF BL	I will exercise my right to take that one away.

	P. McAleer 3rd parties	2013 **[inaudible]** application, for example, explosives store, relevant drawings, no elevations or drawings provided, developer argued on 2014 application to relocate explosives store, 1:5000 site plan was only plan provided, there was unfair advantage there.
16:34	DB	Dr Gordon's last point highlights that Dalradian unaware of unauthorised land filling, doesn't relate to western part of site, it is the 8000 tonnes on which buildings sit, the unfair advantage arose when that unauthorised landfilling took place after permission granted and screened for EIA therefore circumventing EIA regulations.
	Comm McP	Mr Haughey
		Breach of planning control, lawful sites, Dalradian brought down 1700 people, potential breach of health and safety …
	Comm McP	Bring it up in health and safety section.
	MB solicitor	We have had an expert here today, regards to wish again to permit expert witnesses to give evidence remotely especially on behalf of 3rd parties, certainly if you want this matter to be open to public, it has to be seen to be fair, would also ask commissioners to record the matter, not available to all matters of the public, I understand that is the system in England, recordings available five years post-inquiry, any specific reason we would depart from that.
	Comm McP	Procedures for this inquiry specific procedures, not usual procedures, that decision was taken for individuals to be in person, procedures were published on 11th September, notification included notice to revised procedures, we are not changing the procedures, everybody to be in house
	MB solicitor	Also, a date in March is no longer available, impacts on witnesses.
	Comm McP	Not really, days in March deal with one topic each.
	MB solicitor	I would submit evident from today, things will not be going along strictly to timetabling, times when experts available,
	Comm McP	Ms Broly I've already made this decision, this decision was already made by 11th Septeember.
	DEW	Was that decision in respect of procedures notified to Donegal County Council.
	Comm McP	Not a matter for commission, matter for Department to consult with consultees, we notify everybody who has made a representation. Mr Tracey.
	ST	In respect of document of 11th September, I advised it wasn't readily available.
	Comm McP	It was, I checked it.
	ST	Whether there a design flaw.

	Comm McP	I've checked it from home, checked phone, it was available. Mr Beattie.
	SB KC	Thank you for broad pattern tomorrow, I have witness tomorrow, he is out of the continent after tomorrow evening, if there is any possibly of accommodation, I can't have him here on Wednesday.
	Comm McP	We could possibly take principle of development.
	SB KC	Last ask without pushing my luck, would commissioner give broad topics for Wednesday.
	Comm McP	We'll have a look at it
	Comm McK	Wednesday was just going to be Radon and lighting. I have Radon as a backup, commissioner Donaghy also has questions. Mr Fegan.
	CF BL	I'm told my noise expert is out of country on Friday, if we could shuffle around Radon and EMF.
	Comm McK	Noise was likely to be complete on Thursday, air quality on Friday.
	PH	Streaming online was advised at the pre-inquiry meeting, I have raised it subsequently, with no reply, who decided this.
	Comm McP	Pre-inquiry meeting, abundance of letters that people were being vilified with screenshots, a conducive and safe environment, we also got letters that people were suffering significant lag and they could hardly watch it, only way to address was to have it in house. Those were mainly the issues that were put before us, make sure everybody here, if everybody here there would be no lag, and I am happy to defend that decision and I will stand over it.
	PH	There were 50,000 objections.
	Comm McP	At most there were 130 streams on that day.
	DE KC	Public health expert we have is dealing with flu crisis, would you give consideration as to what you are seeking to ask so we can brief
	Dr Amy Strecker 3rd parties	Excuse me …
	Comm McP	We are touching Aarhus tomorrow.
	Dr Amy Strecker 3rd parties	I just want to say this is an all island submission, would be easier given witnesses outside the country, but I do think witness testimony online would be beneficial
16:48	Comm McP	We are not reviewing procedures.

Disclaimer: this note of the proceedings before the conjoined public inquiries into the Curraghinalt Project is for general information purposes and does not and is not intended to constitute legal or other professional advice. This record does not represent a verbatim transcription of the proceedings, errors in transcription may be present.