

DALRADIAN PUBLIC INQUIRY NOTE

Date: 23rd September 2026

VENUE: Strule Arts Centre, Omagh

Timings

Start Time: 10: 00 am

End Time: 3:15 pm

Next listed: 24th September 2026 @ 10.00.

Lighting Visualisation and Industrialisation

In attendance:

Niall McAleer (Save Our Sperrins), Dr Amy Strecker (Professor of Law, UCD, expert for SOS), Lynda Sullivan (Yes to Life No to Mining expert for Save Our Sperrins), Marella Fyffe, (Chair of Save Our Sperrins).

Dr Steven Emerman (hydrologist & geophysicist, global expert on mining, expert for SOS), Mary Brolly (Solicitor for SOS), Darcy Rollins (Barrister), Fidelma O’Kane (Save Our Sperrins secretary).

Sean Tracey & Michael Conway (both from Communities Against Mining).

Martin Tracey, (Independent 3rd party objector), Patrick Haughey (Independent 3rd party objector).

Julie Ellison, BL (on behalf of DfI), Graham Walker (DfI Planning).

Andrew Byass, KC (on behalf of DAERA/NIEA). Neil McAllister, Dr Mark Hammond, Liz Smyth, Louise Layden, Bronagh Shepherd (all NIEA, DAERA).

Scott Lynas, KC (on behalf of Dalradian Gold), (Ms) Sam Oxley, Emma Kelly (admin from Turley) Dr Michael Gordon (Planner from Turley), John Merry, Sasha Rogers, Sara Ross, Karl Dorman, Jamie Spiers, (all experts on behalf of Dalradian Gold).

William Orbinson, KC (on behalf of NIE, instructed by Carson McDowell), Seamus Faye (NIE) & Stuart Anderson (Technotech), Brendan Holdpeach, Nigel Crawford.

Conor Fegan, BL (on behalf of FODC), Paul McDermott (Lead Planner, FODC), John Ingham (Landscape Planning Director, Stephenson Halliday)

Philip McAvoy, BL (on behalf of 3rd party supporters) & Mark Handfield (Gravis Planning)

Panel: Good morning. The evidence before the inquiry includes written submission and oral evidence. If it is written please don't raise it in oral and if it has been raised by another person do not raise it again. To notify DFI, tomorrow when we begin water project – I will take statutory consultees opinion on evidence. That is where I want to start water and we can go from there.

Panel: The nighttime visualisations fell short of best practice and did not outline the effects. Anything beyond the comments you had yesterday.

John Ingham: Thank you. The first thing about nighttime visualisations, I have read rebuttal statements of applicant and am unhappy in response as to why the nighttime photography appears as it does. The photos taken simply can't have been taken at the time they were taken, The time shown was not dark at that time of the day. The nighttime photography shown to be at 8: 40pm, but dusk was not until 9: 25pm on that day. The photography could not have been taken at that time of the day, almost nighttime. And there is other tell-tale signs. If it was that time of the day you would have expected houses to have lights on. The photography does not show the night conditions at night. I fail to see how the visualisation prepared can be accurate. I disagree with comments in the rebuttal that lighting would not be seen by the other side of the valley. Take you to lighting strategy was submitted as part of TR8 Appendix 2. On that plan there is a number of sheets, go to second sheet and on there you can see various lighting columns along the site, near the portal at top left hand side there are a number of signs towards the left of portal, and noise signs. If there was a section line drawn from the south, you would see the 5 metre bund is at approx. ground elevation of 291 metres – if you imagine a 5 metre bund on top it would take you to 295 metres. The columns to the north have a height of 5 metres and set out at about 300 metres – so that would be 305 metres, so they would in my mind be visible at both the noise bund adjacent to the conveyor. On the year 4 image, we can clearly see that conveyor rising, I think that is all I can say about the photo montages. There are only 2 photo montages, the other is of the night sky from further afield. To have only one nighttime visualisation from that side of the valley it is not ideal. If we look at other viewpoints, from viewpoint 2 there would be a lot more ancillary lights around.

Panel: Mr Ingham, you had an issue with the view being shown at dusk, when other lighting might have been over and would not be accurate as to the lighting 360 days a year.

Ingham: Visualisations Don't show the operational activities going on, every one of the dump trucks etc. will have flashing beacons, so all of those would be constantly visible across the hillside.

Panel: In submission there is consideration of a gap between the technical design – leaving the reader to assume a number of conclusions. The difference between site and nearest human receptor and is not clear how it would affect.

Ingham: Really it's a matter of transparency, it is not a substantive matter.

Panel: Consider the quantitative findings do not inform on the technical lighting performance related to receptors only how they might accept ecology and views, i. e. , artificial light being perceptible or evident, would the light exceed the appropriate levels. Have those been addressed by the applicant?

Mr Fegan: So far as the point is being made about specific values, that has been subject to discussion during the lighting discussion. At that point we don't have anything further. Where the disciplines overlap, we had a discussion about the technical lighting and the figures, that's not for Mr Ingham who won't comment on that, what he will comment on is how the lighting might impact on landscape character and visual amenity.

Mr Lynas: There will be no perceptible glare from outside the site. Where Ms Oxley's evidence is that it explains there is a qualitative view based on light from surfaces. It is important when you are considering nighttime visual effects, the context is understand. There will be no glare or sky glow. Important to the qualitative evidence that will be sent to. Mr Ingham wasn't here the lighting discussion, we discussed matters relating to vehicles including headlights, my instructions are that there is not going to be dealt with but.

Ms Oxley: Taking these points in turn. When I rechecked the data regarding the nighttime photography I looked at the 360 degree raw images, they are all exactly as shown in the image, no suggestion that has been doctored to make it darker and the headlights of the car were on, so it must have been dusk when the photos were taken. In terms of the point about visibility of lights would be possible from the other side of the valley, my understanding is that with the revised lighting scheme and the advancement of light fittings, the lights themselves (the bulb) will not be visible from anywhere outside the site because of the shuttering around those lamps. You will see light reflected onto the ground – this will have the latest tech in terms of lighting design, you won't see glow or glare or lamination from the bulbs. The visualisations were prepared on the chroma scheme, which was a worse case scenario and at that time there were fittings that were proposed that could have been seen from the other side of the valley as the modern tech was not used – the previous scheme is up-dated by Horley design.

Panel: Which submission contains the Horley Scheme.

Mr Lynas: TR8CC.

Oxley: So, in terms of lighting columns in terms of the portal, I've liaised with the lighting expert on this and he has assured me there would be no possibility of seeing bulbs from the other side of the valley, there is no spill of light outside the site itself. My view is there may be certain areas of the site during the early years before the DSF – where you may see the ground that lit by and see visibility of ground and that is explained in all the opinion. It is partly screened by the noise bund. But it is important to recognise the lighting will come on after dark but the number of hours when lighting is on, is relatively limited as opposed to the number of hours of operation. That brings me to, the operational activities – so, there will be no beacons that can be covered by condition, as with the permanent light fittings there can be mitigation on vehicle lights, across the

DSF there could be one bulldozer and one compressor at any one time, and the lighting on those will be shrouded and will only be able to operate on DSF until 10pm, and the number of hours between the cut off time.

Panel: Where is the cut off of DSF until 10pm.

Lynas: Assumption in the noise impact assessment. In policy terms nighttime lasts between 10pm and 7am and the noise impact assessment identifies the vehicles Ms Oxley has referred to as not operating at nighttime. FEI Appendix C18, pdf page 16, table 4 and text underneath it.

Panel: this is not conditioned though.

Lynas: It can be covered in the operational noise plan.

Panel: That table refers to 11pm.

Lynas: Table 4 on pdf page 16, near the point sources – those two vehicles are being referred to.

Panel: This says 11pm.

Lynas: In our version, there is an fei appendix 18 which is a noise impact addendum.

Panel: I don't want to about this, it is not a condition.

Lynas: It is actually page 19. My instructions is that the reference to nighttime hours, is to say that to relate that table back to policy. What we are proposing is that there wouldn't be any activity on the drystack between 10pm and 7am. I don't think there is a specific need to put it in specifically, but can be included in the draft noise assessment as a condition proposed.

Oxley: Mr Ingham criticised the number of nighttime visualisations. But the viewpoints were agreed. It had been highlighted there was a qualitative but not quantitative assessment – the technical lighting appraisal was prepared by Horley and the position is that read together there is now full understanding of the technical position with drawings and values in terms of luminance etc, which can be read with the qualitative assessment made by myself in terms of effect of seeing areas of lit ground – so that package works together. Mr Ingham made a point about a gap in information that distances aren't clear. But differences are scaled in the report – it is all there in the report. That is all for now.

Panel: Go to department. Any comment.

Department: No comment.

Mr Tracey: We have the benefit of knowing the area very well. Viewpoint 5 is the first one, the one with the road, at the dropping at light the lights come on in the village. There is not a single light on in that village. There are a number of residents we know, that you can see highly visible lights. Either they darkened it down or Greencastle was in darkness that night or a powercut. At that time of the year we are working to 10/11pm because it's bright – this is in July. In regards to the statement that they can cover the lights that would be a serious breach of health and safety regulations in relation to flashing beacons

Panel: I will not go over this, as we have dealt with this before. This is not assisting in moving forward with visualisation.

Tracey: To say you can't see it from across the valley. Maybe in the past a number of companies have not been questioned in regards to the evidence being put forward – should be taken under principal because there is no comparison. Some of the social media pages stated the day those pictures were taken.

Panel: Is this in the statement.

Tracey: No, as a comparison.

Panel: I have heard from the applicant, and you have tried to raise unsubstantiated evidence.

Tracey: Only raised this morning.

Panel: There is a very clear process re new information.

Tracey: I would just like precaution taken in the evidence given by the company.

Sean Tracey: We are talking about the equipment time cut off. In the 2020 non technical description it states the cut off time there. There is a strict cut off time is 1900 hours weekdays and 1300 on Saturdays and no workings on Sundays. That is on the DFI website.

Dr Emerman: I have a question on the vehicles on the drystack, I have not seen that mentioned in the mine waste management plan and it is a considerable modification to that plan. Typical for drystack to run 24 hours a day in order to deal with tailings. Does the storage space take account of tailings being produced and stored during the 9 hours of not working.

Ms O'Kane: Two small points. Ms Oxley said that we wouldn't see the bulbs, we are in this room and there are bulbs we don't have to look up at the bulbs to see the light. We don't have to look at bulbs to see light. The cut off at 7pm. In winter here it's dark at 3pm, would there be variations during the seasons.

Mr Haughey: The key point is the timing, the timing is fundamentally, this is summer time 11-11: 30 is when we finish work, what we see in Viewpoint 5 and the various aspects of that, we see it is a dark image. Ms Oxley said she looked at the raw photos and are correct. If you go to the meteorological data what you will find is that it was a full daylight day. At 9pm there was daylight, at 21: 27 it was sunset, as we know it is not dark during the summer during those days. The end of civil light was 22: 19, but the end of nautical twilight ended at 23: 25, so true darkness did not begin until 11: 25pm, so therefore if we are talking about darkness, we should be talking from then onwards. This is the fundamental things about the drawings, it calls into question the entire visualisation section by Ms Oxley. You will not find anywhere in the country where you have darkness like that. First possibility, is the camera was faulty. On viewpoint, you can see the entire of Greencastle – nothing is on, because if that was the correct time they wouldn't be on but the image is dark. This section was about darkness and twilights, and obviously we have been talking about this with rebuttals from counsel, but the applicant still went back to this photo, they could have gone back and took better photos.

Panel: I think this is a bit unfair.

Mr Haughey: It is unfair to say it is dark at 8: 40 in the summer.

Panel: To make point about lack of information, is a bit unfair.

Mr Haughey: Plenty of information, but there was a debate about this photo and it was chosen that this was correct. It is clear it is not correct on any level. There are several aspects that aren't right. So, the entire the basis of what Ms Oxley is said is based on a false promise. The actual reality of what we are dealing with, we also have an alternative road where there are lights along that, that is one of the key points – we would expect to see those from a distance. The drystack is 28 hectares alone – if lights are not going to be glaring in the air, it will be on the ground – then the drystack will be illuminated. This would be illuminated and if someone is working on it, it would have to be illuminated because we are dealing with working from light.

Panel: Mr Tracey has raised this in H&S, and this was covered in lighting.

Mr Haughey: That is only the drystack facility, then look at the tunnel – it would be lit and the whole road too. What we are now seeing, is Mr Lynas is saying is you have to go to noise to see the lights.

Panel: This is a misrepresentation, we are now retreading the lighting days. Two vehicles at a particular time.

Mr Haughey: There would be a dimming at a certain time, and the lights would go down, that is what they expect to see. I work with lighting plans all the time. Unless stipulated within the documentation there is no requirement for lighting, we don't know. And if there is lighting that will impact the visualisation throughout the night. Is there lighting along the other roads towards the reservoirs. A garage nowadays has full LEDs which

would blind you. Any small building has such lights nowadays that the glare of one light alone – but we are talking about a massive site here, the cumulative effect it will have.

Mr Lynas: A few brief points before I ask Ms Oxley to respond. Two points on Mr Martin Tracey's submissions, in relation to the allegation that there was no lighting shown in villages, if anything that would demonstrate the baseline environment had more light by way of context such that the impact of the proposal – I can ask Ms Oxley, to the extent, the baseline is that there is a greater light that would be visible in villages there is more lighting in the context. Second point, if anything Mr Tracey's point helps us, the impact of the scheme would be reduced. Precautionary approach is being followed on the basis Ms Oxley proposed because the older scheme was used. The Judgements here were based on the previous scheme, not the one spoken about in the previous lighting statement. Dr Emerman is raising point about storage, we will deal with in later stages. As for Mr Haughey, if you look at Appendix 2, pdf page 2, there would be no lighting on the access road or new road, the access is focussed at main site, some lighting at security barriers and the treatment plant, but not along the access road or new road. Secondly, his position is predicated that the quality of lighting you see at the side of the road and that on the site, that misunderstands the element of control on the site.

Oxley: Not sure what resolution everyone is viewing drawings at. If you look at signpost on VP5 you can see a bright light in Greencastle, what we don't see is the sports pitch when the lights are on it is very bright. To set the context, when we take nighttime photography we have to take it at dusk, otherwise it would be too dark. It is the point at which the lights are coming on at the time, it is not a dark image it is a dusk image. The baseline there is generally darker, because not so many people have turned their lights on. In terms of the photography that could have been retaken, I don't know if you are aware, the possibility was limited because the photographers were not allowed to do their job, I have responded on that point in my submission. In the point about shrouding, you have heard the evidence in the lighting session on the detail of how that would work, it is also covered in the EMP. There was a point about not having to see the lightbulbs to see light on the ground, that is the point of what I was explaining earlier, that is what the assessment deals with – you can't see glare, but you can see lit ground from the ground beneath and that is what is assessed. Point made about variation over the seasons, but I will leave that to the conditions session as to how that would be worded. In the summer months when it is lighter later, the lights would not come on until it is dark. Returning to photograph – it is summer, times that have been stated by parties may be stated as GMT or BST, it is possible that the camera was recording the time in GMT rather than BST, at the most there could be an hours difference, but would make no material difference to my assessment, certainly no fault with the camera. The final point was the fact that the bulldozer should have been shown in the DSF, the effect of vehicles moving around the DSF – it has been included in my assessment in my quantitative description many references to vehicles, it has been considered. It would be quite misleading to photograph the bulldozer on the DSF – and not appropriate to put into a visualisation. To pick up on the controlled and uncontrolled lighting – huge difference between security floodlights and controlled lighting on sites like this – the brightness and control of spill etc. for uncontrolled lighting is not regulated in any way.

There is a detailed mitigation scheme for this project, I am confident in the discussions I have had with lighting experts.

Dr Striker: Very minor point. Clear the visualisations don't recognise everything, not feasible to do so. Fencing colours seem to change, some lighting at the water treatment plant and security areas, moving vehicles. They have to be taken into account cumulatively, and only mentioned in the narrative, there may be things that are not represented that may not be much individually but may have a cumulative issue.

Ms Rollins: Point responded to by Mr Lynas. We would be grateful for an answer to the specific question asked by Dr Emerman.

Panel: Certainly not something I required an answer to. It is probably something I can look at in the mine waste plan.

Mr Lynas: The reason I mention it is that when similar issues were raised in relation to mine waste, I said we would have to deal with them in other sessions.

Panel: That was specifically in relation to the removal of peat and the timings of such. But I am not putting mine waste plan orientated into any other topic.

Mr Lynas: If there were any outstanding concerns, we were concerned to make sure if there were outstanding questions that we would give time to answer those. If you are saying there aren't any issues that need to be addressed in context relating to peat. I am concerned a question has been raised specifically about mine waste, don't want it addressed.

Panel: I would need to look at the mine waste plan to look at it, it is something I can pick up in write-up. May want to go back away and come back on a comment of it's here.

Mr Lynas: We will bear that in mind, but again it gets back to the point we don't want to deal with something mine waste in peat.

Panel: I am not dealing with this.

Ms Rollins: We appreciate the Commissioners position, but that timetabling concern must be balanced against significant matters being raised by an expert and by my instructions, he was not aware of this position with tailings and tailings is a significant issue.

Panel: It is not a matter for third parties to raise questions with others, it is my place to ask questions and I did not see to the need – it is for the commissioners to write a report.

Ms Rollins: I would say there has been discussions that is not strictly lighting today.

Panel: Like what?

Ms Rollins: There has been some divergence, well in terms of commentary for themselves, discussions that have not been strictly timetabled.

Mr Sean Tracey: The 2020 project update, in section 5. 3. 1 – conveyor system. Second paragraph. Ore conveyed at night to stockpile. The cut off time for conveying any materials would be 7pm. Apologise, the brightest point in that photo is a garage gable wall. Why is a white gable showing up at dusk like this? There is a clearly distinctive difference in shading of photos.

Panel: I think we have enough today on that. That's all the question I have.

Commissioner Donovan: Want to look at the issue of cumulative effects. The combined landscapes have not been adequately addressed. I would like NIE to identify precisely what mine and exploratory points were included, and will they be experienced simultaneously.

Mr Faye: There was a cumulative assessment completed. But there was sufficient information available in terms of photo montages and this was used in conjunction with our own ZTVs and montages. In reference to the ZTVs. Look at figure 6. 6 – additional z tv map. Within that map, there is limited extent of visibility to the west of the overhead line, there is effectively no overhead lap with the footprint of the component. The main visibility of the applicant's project is from the south, this is where the line would be perceptible with no cumulative effects.

Panel: Have all elements been encompassed.

Mr Faye: it is also part of my note, that the closest proximity the overhead line is underground which removes overhead visibility. At those locations where the overhead line is more than 1 km east, it would be barely perceptible. Sorry west, due to the distance along the road, and roadside vegetation etc.

Panel: Has an assessment been made that considers the powerline extends to industrialisation of the landscape and the powerlines being an extension of that through the OMB?

Faye: It has been assessed in the cumulative impact assessment. What we have presented is what you see, a particular cumulative photo is one prepared, for windfarms for example, the main point is that the areas within the z tv of visibility for both of these developments is so far away that the overhead line would be barely perceptible, that's the key point and it doesn't add any industrialisation of the landscape.

Lynas: Ask Ms Oxley to pick that up. Just by way of context. In the ES Appendix C23D – powerline specialist reports. Confirms that Ms Oxley has considered whether any of the conclusions she reached and can ask her to explain those views.

Oxley: We are dealing with two points, the powerline and the existing mine. The powerline the points we have heard essentially provide the answer. The cumulative effect of the mine with the powerline was considered at FEI two-stage and in the statement of case TR13 and my conclusion was because the overhead line was undergrounded for approx. a km and comes in from the west, where there is limited visibility that there will be no significant cumulative effect. I don't rely on any viewpoint images but have had view of the landscape assessment and use those to inform my judgement. In terms of the existing mine, there is an assessment if the landscape of the existing mine included in FEI 1, the takeaway point was that the exploratory mine is on the north side of the hill, the proposed mine is the south side of the hill, no overlap of ZTV there aren't any locations where you would see the existing mine and the proposed line, I have confirmed that through several site visits.

Panel: Has any assessment been made in respect of the industrial influence of the mine?

Oxley: Essentially, you have separate landscape assessment for mine and line, so taken together you can understand the impact of both. The cumulative effect of where the two overlap has been considered in my assessment. And that is reiterated in my statement of case TR13. No overlap in terms of viewpoints, you can't see the exploratory mine and new mine from any viewpoints.

Mr Ingham: My starting point is that I do not think an appropriate assessment has been taken by either applicant. I think the starting point is that as assessment of the additional effect of the overhead powerline, considering that the application is already approved. What hasn't been undertaken is the combined effect of all these together. I fully understand the cable is underground – there are a number of locations where they would be seen together – I have highlighted those in my statement of case. I have taken a number of my own visualisations. There are locations on the road between Mountfield when travelling through. Further down the mountain you would see the site. The sequential effect as you travel around the AOMB – I would direct you to the Sperrins Scenic Route, which I have addressed in my statement of case. At various times around the scenic routes, this is one of the most impressive parts. Various locations you pass the overhead line, through the valley where the exploratory site is. As you travel through the landscape you experience those effects cumulatively. The issue is less about a specific view, it is the cumulative effect and the overall industrialisation.

Mr Fegan: PDF page 137, there is a heading on cumulative types of visual effect – combined and sequential. Combined is what we commonly understand as cumulative effect, sequential when they have to move to different viewpoints, may be assessed for travel, where they occur regularly or in short distances.

Mr Haughey: To start with it is clear neither the power line or main line application did consider each other as a whole, they were considered separately. It is clear they are inextricably linked, if the mine doesn't happen, the power line doesn't happen. They can't be divorced, the key element that shows they are together is the location of the substation is at the mine. The cumulative effect is clear and is substantial. The

cumulative effect is that the substation is going to remain after the 40 years, the restoration hasn't been considered as a whole. One has to question are we really looking at one application or is it an extension of a separate application – and I know that's the remit.

Panel: That is not my question, there is no debate that it has to be considered.

Mr Haughey: There is no reference to the exploratory mine in any report. If you go back to Doraville case, there is already a ruling on the visual impact which is highly significant to this mine.

Panel: Do you have a specific reference to Doraville.

Mr Haughey: A number of aspects, for instance, discussion of section 10. 44, there was a viewpoint 24 and did not take into account the visual and cumulative impact, now it wasn't the actual impact itself.

Panel: You are referencing Doraville in relation to cumulative effect. It was based on PAC's recommendations not to proceed. Reference to the landscape and key characteristics, that would be diminished by the powerlines in place by the Sperrins. This is 37. 9km, but which the vast majority is overhead, so in terms of the cumulative effect, the applications are stand alone applications – if they were seen together as well as the photo montages. But because they are done as two separate applications they are treated as totally individual.

Ms O'Kane: Wanted to clarify the point about the 10m clearance, obviously relevant to what is mentioned today. The reference is RPS Connection Project. In para 2. 4. 3. 1 page, it was held the overhead line tree-cutting team, the location of woodland, scrub and hedgerows in respect of working corridor have been identified. If you care to look at those maps, you will see there is a red line for the powerline, red dot for the poles, but there is a red dash line along each side of the line, to me it is a corridor. It says tree cutting will be carried out to ensure vegetation is outside clearances to ensure it does not interfere with overhead line. Outside of clearance distances of overhead line, it does not say outside of the poles. A clear fell strip of 10 m will be secured. It doesn't say it will only be at poles, so that is why I said there was a corridor of 10 m going through – that would be for the 27km of overhead line. I want to mention that tree cutting is mentioned, the hedgerows would be removed and NIE networks vegetation management cycle is once every three years, yesterday they said 5 years, I want to mention that and I think it is relevant to the clearance through an area of natural beauty. I made a mistake about fencing yesterday, Dr Gordon said it would be 7 feet and not 7 metres and on the left side it would be 4 feet.

Dr Stricker: Will there be a specific question on AOMB, or will it need to be raised? In my view there hasn't been a sufficient cumulative impact. No evidence of assessment of interaction between two applications. Yesterday Mr Orbinson stated that to say a legal duty is created is wrong. My response is that Mr Orbinson's assessment is wrong – so to say they don't create some legal duty is wrong. Look at planning policy requirements in

NI. Policy relating to minerals development, minerals development in close proximity in an area that has been designated to protect its scientific purpose, would not normally be granted. Look at SPPS para 6, relating to natural heritage under reasonable strategic policy, when considering the impacts of proposed developments on natural heritage resources and under national designations, planning permission will only be granted for a proposal that is not likely to have an impact of the site, in relation to habitat etc. In relation to AOMB, are designated specifically for their rich cultural heritage.

Panel: Are we moving towards examination of cumulative effect.

Dr Stricker: This is fundamental to the entire context of cumulative impact. All right, There are a number of exceptions which are not raised. The council will support mineral development, and one of those things to be aware of is the cumulative effect. The exceptions don't apply. The question is about the development that adversely effects the specific landscape effect of the AONB (policy LO1). The policy test is whether the special characteristics for which this part of the Sperrins which is designated with the AONB will be adversely affected and we have heard they there will be significant effects. There is significant effect recognised by the applicant – which has caused restrictions because it would cause significant harm. In developing the area itself, the effect should be taken on board much more than a site specific assessment, it would allow for consultation with a number of stakeholders. More than that in relation to the cumulative impact, what the landscaper management plan shows there is sustainable economic growth that is aligned with the AONB. The applicant's area that this is an underdeveloped area that will be helped by mining. That is not true – the Sperrins is sustaining and supporting growth that is lined to AONB and that is not compatible with this proposal that would industrialise the area – and to say it would not industrialise is contrary to everything in the evidence in this. I would put forward that the human settlement in this area alongside the number of designations that make it unique. I am trying to get across that we are constrained by planning policy, but the applicant has interpreted landscape in two ways: 1) a screen, and 2) as the visual impact assessment. Those assessments don't represent the cumulative impact on the people living here and the landscape changes. It is just common sense. I am trying to say that we can't find examples of gold, copper in AONB's is not because they aren't there, it's because of their designation.

Mr Tracey: What I am seeing here, not only should Dalradian have updated information in relation to the cumulative effect. NIE said the information was too awkward to get, whilst the other was reasonably available. The cumulative effect has not even been touched on here. NIE stated that they had concerns about the cumulative effect and have not moved forward in relation to the other projects in the Sperrin area. The Dalradian project has not had near enough information on the full cumulative effect. The thing that brought this to my mind is that it seems everything in planning stand alone, but the cumulative effect has to be taken into consideration and that is what is concerning me very much. The landscape itself, the credential of the AONB has been eroded, instead of protecting the jewels we do have, there is concern about the policies and procedures they do have. Whenever every line is applied for, the base line is the one

before it. Because we are not taking this as a cumulative effect. Neither the department or commissioners are taking this into consideration.

Mr Sean Tracey: Over a 26.9km distance, and 11 viewpoints. There is not enough information.

Mr Fegan: To what extent you want us to respond to the issues Dr Stricker is raising – they are not on topic. They were beyond the scope of the question and are raising a number of questions around planning and the correct test for an AONB, that is not something the Commission wants to hear evidence on, on the point that it is probably in written evidence. I need to understand where we are on that?

Panel: There is more than enough on the papers to hear anything else from that. I am not opening any boxes, there is significant evidence on the papers. I hope we don't have to go there.

Mr Lynas: Raise the same issues as Mr Fegan. If the Commission has enough on the papers we're content with that, otherwise there would be a substantial extension on this session.

Mr Faye: On the point I have said something about legal obligations. In responses to the criticism of the cumulative impact of NIE, I would request a come back. Council have indicated there are points when the mine and overhead line is perceptible, I don't deny that but it is limited. We did follow the GLVIA point – the combined effect and cumulative impact has been created in ES Volume 1.

Mr Crawford: Want to leave the corridor issue to ecology. The position will suffice for the issue of landscaping. It is a working area not a swathe, just to be clear.

Ms Oxley: Again, in relation to the cumulative point and whether considered the overhead powerline, within the 2017 statement there are a package of reports at Appendix C23, that appendix is titled powerline specialist study reports and then there.

Panel: That predates the application.

Oxley: But they were adequate to make an assessment at that time. These cover sequential effects on the Sperrin cycle routes and other cycle routes, Other technical disciplines are covered, first assessment of the powerline. And then, throughout subsequent investigation, the powerline was considered again, the first consideration was all that has been mentioned.

Mr Lynas: the 2017 assessment, 3.20-3.24 second addendum was confirmed to have been undertaken in technical reports.

LUNCH BREAK AT 12: 30PM
RETURN FROM BREAK AT 1: 45PM – New Topic – Conditions:

Panel: Proceed with the conditions in relation to the topic we've heard over the last couple of days. There are some conditions on lighting we will get to in due course. Are you content the conditions are satisfactory as they stand.

Mr Byass: We think the conditions deal with the matters discussed, so nothing is being put forward.

Panel: I note there is no timeframe in the conditions, in most of the conditions where something needs done but it is not time-bound –

Mr Byass: we are happy for you to recommend same.

Panel: What about restoration.

Mr Byass: That was our initial thought, but we are entirely open re recommendations.

Panel: Mr Haughey and Save Our Sperrins produced draft conditions without prejudice, as with the applicant's conditions I have no questions.

Mr Fegan: Thank you, we will focus on the DFI conditions. LSC1 refers to the colour being green, Mr Ingham has suggested that specifying a specific green is the appropriate approach, it will vary depending on the site. Our submission that it would require submission and approval of a colour palette. LSC2 references to drawings – a landscaping planting strategy. They are conceptual in scale and detailed planting plans and schedules should be included – including planting numbers and exact types of plants. A point about local provenance, handing to Mr Ingham.

Mr Ingham: all the plant stock and heather species should be of a local provenance. So, it was discussed during the species being cultivated from local source stock, so that would be from seed harvested from the adjoining moor, but the detail can be provided by the planting schedule which should be submitted.

Mr Fegan: Our suggestion was that there should be a landscape management plan implemented for the duration of the operation and a further 15 years post closure.

Panel: From my understanding there is still landscaping during construction. The correct trigger is the commencement of development.

Mr Fegan: yes, and then a period of 15 years post closure. In Mr. Ingham's experience an annual monitoring report demonstrating compliance would be desirable. The landscape is very important, doubt about whether this could be secured and it would be ideal to have close oversight of that. No comments on LSC4-8.

Mr Ingham: On LSC9, the soil depth. We had some discussion and there was ambiguity about the depth there, at the moment the conditions are reference to plans, but there is still reference in plans to soil depth of half a metre, the commitment was a metre but that just needs to be captured.

Mr Haughey: I gave a number of conditions and I would like them discussed. I don't have any questions on them.

Panel: We do not have questions on them. We gave third parties the ability to put in papers about conditions, it is clear there are no questions on them, we are going forward now. I have read your conditions, but I don't have any questions on them. Detail comments on the conditions that the Department have provided.

Mr Haughey: Conditions the department have issued are vague, not enforceable because they are open to search interpretation. I tried to put down a condition you can apply. The conditions are much more concrete and structured and allow someone to enforce them.

Panel: DFI will enforce them. I am going to discuss this at later date. Needs to be some discussion on how this works.

Mr Haughey: The question is who is going to enforce the conditions.

Panel: This was decided in January 2025. The whole room has moved on, please stop.

Mr Haughey: In terms of the conditions, mine are on record. I am disappointed that they are not taken on board.

Panel: You are becoming disruptive.

Mr Tracey: The plant schedule is not detailed enough. There is talk of grassland in LSC2 (planting). We are in unique position that grassland that borders onto the moorland, heather and stuff. There is established cattle.

Panel: Obviously the Council says there needs to be substitute.

Mr Tracey: There would have to be toxicological reports on things.

Panel: There would be no guarantee that consultation would be need. But substitute would need to be agreed by a suitably qualified person.

Mr Tracey: Something the department will take note of, substitute opened into unique ecology could have significant effect.

Ms Sullivan: In terms of procedure, if Mr Lynas has anything to say in relation to our say.

Panel: Depends what he says, because the question is what information do I need.

Dr Emerman: is this an appropriate time to discuss the Save our Sperrins conditions.

Panel: They had two conditions and I had no specific questions about them. They are written in a way that I can entirely understand the purpose of them.

Mr Lynas: If I deal with the landscaping conditions first. Under LSC1, we don't think it is necessary to go as far as to have further details submitted, we have responded to the rebuttal statement where we have suggested a specific colour. We don't accept any further detail is required beyond and the condition is satisfactory as it stands. Under LSC2, generally that provides for provision of a planting strategy, broad enough to encompass any details considered to be necessary at the time, locally grown stock is something we picked up in our Appendix 2 response and this is picked up in LSC9 – we don't see a discrete need for that to be addressed. LSC3, we see the sense in the trigger point being the commencement of development, because landscaping plans relate to that period, we don't see the need for a specific reference to 15 years post closure, as there is a separate condition dealing with that. As for the question about depth of planting, we did not commit to planting at 1 metre across all areas, we had that discussion where we made it quite clear where depth would be increased to 1m where planting required it. That point does not need specified, it would be covered when submitting the planting strategy and could be covered in landscape management plan which would be submitted on a rolling basis. Annual checks not necessary at the review process every 5 years, that would be picked up, don't need specific check up. Under the conditions that have been proposed by Mr Haughey and Save Our Sperrins, I don't support to go through them, for the same reason you don't need to ask questions. We would invite you to consider whether those conditions are satisfactory because we consider them to be excessive and matters which would already be addressed in the conditions today, including the OSEMP, the peat management plan and mine waste management plan. We don't see how the conditions put forward are justified. As for Save Our Sperrins' condition, one short point, we don't think it's a requirement to deal with in perpetuity management because we have a condition that it will be reviewed every 3 years under the closure plan. That provides a mechanism to control the time over which monitoring takes place.

Dr Emerman: I would like to respond to the comments, our condition is for monitoring, inspection, maintenance and review of the facility in perpetuity. This is not something we made up, this is mining industry doctrine, contained in the handbook of mining exploration. This is in the very first chapter, what are tailings, this chapter specified that there is no experience or knowledge as to how to build a facility that will last forever, therefore it requires actual care and perpetual maintenance. This handbook does not allow for any exceptions. I have participated in another public inquiry in New Zealand where that was assumed by all parties, that it will require perpetual maintenance. I understand that the gentleman has said there will be a review every 3 years – between reviews there needs to be inspection, monitoring and maintenance and there has to be no time limit to those reviews every 3 years. What's outlined in the closure plan, is maintenance for 5 years, that is outside the industry standards, in the industry that would be called abandonment. Here abandonment seems to be a central part of the plan. Our second condition is to avoid a situation which is common in some jurisdictions, where a mine undergoes a temporary shutdown but doesn't carry out closure. Where the mine simply says we are in care and maintenance, even though not

defined in any regulations – it's away from mining companies to avoid carrying out closures, we want to avoid this situation. If a mine has a shutdown that lasts for three years, now is the time to fully carry out closure.

Mr Haughey: In terms of the conditions that I offered, I believe they are considered. He says they are too detailed, this is an extraordinary thing happening in an area of exceptional beauty. I do believe the conditions are necessary to address that. I will be taking silence as acceptance.

Panel: he has said he will leave it for the Commission, which is an appropriate stance to take. The conditions are there for a reason. DFI are the competent authority, they as professionals, they are not beholden to your conditions just because you have submitted them.

Mr Haughey: At a later stage, the onus is on the DFI to accept these conditions and if something goes wrong it is on record. I will be sending DFI a detailed explanation as to the methodology...

Panel: Mr Haughey under what authority are you taking this. I am more content for you to write to DFI. I don't think it is appropriate for us to tell you what you can say to DFI.

Mr Haughey: Fundamentally changed because there is going to be soil stripping. The basis where this drystack facility is on is flawed.

Panel: Mr Haughey, fundamentally these are different things, a condition cannot change the application.

Mr Lynas: To respond briefly, to be clear we don't accept Mr Haughey's conditions and as confirmed we think they are excessive in their detail. As for Dr Emerman, first we don't accept his position that in perpetuity is some dogma, we don't consider there is evidence to substantiate that, the regulations are importing regulations that look to closure. The monitoring period we are imposing is 15 years as imposed in TR4. Finally, in relation to temporary closure, effectively says the plan applies when the mine ceases operations for a continuous period of 24 months. We have made provision for the closure plans.

Dr Stricker: There's a difference between in perpetuity and a 15 year closure plan, it is clear the best practice would be in perpetuity. I don't understand the applicant stance that is acceptable. The risk increases and is borne by the people in the area.

Panel: No expectation that all parties will agree on this. We have to come to a decision.

Dr Emerman: I am confused by the statement about what the mining industries position is. A statement from the mining handbook: mining industry has a significant challenge in that these facilities will last in perpetuity, humans have no ability to create things that last forever.

Panel: Move onto conditions we had pushed back from lighting, validation constructing.

Mr Lynas: That was a task we took on after last session and as we indicated at the time, had discussions with Council in that. It has been agreed by Council. We handed the conditions out on the first day of the landscape and visualisation session.

Panel: Can't find them. They have not been put online.

Mr Lynas: We did read it on the first day and there were copies provided.

Panel: I have to take it back, we have it here. Happy to move on with this now.

Mr Fegan: We saw the conditions and have no comment on them.

Panel: Have to take a break for 10 mins, to make sure we have reached our legal and procedural requirements.

**BREAK FOR 15 MINS.
RETURN AT 2: 45PM.**

Panel: We don't have a soft copy to upload onto the website. Ask the Applicant to provide a softcopy and postpone discussion to 15th October.

Mr Lynas: We don't believe that we were asked to provide a soft copy.

Panel: We have asked everyone to provide hard and soft copies.

Panel: Just one more issue. Mr Byass was to determine whether acid or non-acid waste was removed it was just a question as to whether that was possible.

Mr Grant: Mr McNeil is prepped with the answer but he stepped out.

Mr Fegan: I can perhaps fill 5 mins. I want to get some clarification about tomorrow and how it will run. We have seen from the Loughs Agency who indicated they will speak for 3 hours to update their position. We would then anticipate that NIEA would given an updated view. We obviously are a statutory consultee but we are relying on what Loughs Agency is saying we would need to know what they are saying. What I would suggest if we get through the three hours we would have done a good job on that tomorrow, but others will have to have time to reflect on the position and obtain instructions.

Panel: Mr Fegan, you are coming with expert witnesses of their own, you should come to give counsel opinion. We are timetabled, we will see where we get in terms of how we fill the day. But, I don't propose to cut time short, I would envisage that it is probably likely given the information submitted the likely length of consultation responses, it will take them some time.

Mr Fegan: Would the intention be if we got Loughs Agency, that we would go into questions after that.

Panel: To be honest, I was proposing to do NIEA, Loughs Agency and Fermanagh and Omagh. I understand your expert will have looked at Applicants position.

Mr Fegan: They'll have looked at certain issues. But experts will have to reflect on three hours of evidence provided tomorrow. We need to have time to properly consider that.

Panel: I want to get the statutory consultee position and then move into questions.

Mr Fegan: We won't be in a position to provide an update or several hours tomorrow in relation to the Loughs Agency.

Panel: I have some water parameter questions that need answered and they are upfront. Might allow all parties time to ruminate. NIEA said 1-3 minutes.

Mr Grant: Mr Byass said that the update is likely to be 15-20 minutes.

Panel: We have asked for consultees to provide an updated position.

Mr Lynas: Locks agency wanted some time, NIEA would update position, We think for the sufficient running of the inquiry, the most appropriate course is for the trans boundary evidence to be given tomorrow. This will allow all parties to reflect for the following week. We think that is the most appropriate course to follow. We anticipate that tomorrow would be taken with that updating but with other parties so question can proceed on the basis of the updated position.

Panel: As I said to Mr Fegan, I have a number of questions that don't rely on trans-boundary. I am quite happy with how I set out the questions.

Mr Lynas: Can you say whether we can follow the timetable in terms of themes.

Panel: I cannot give you an indication, even the topics change. It might appear to me it might be better to ask on a specific topic than another. The peat expert – peat takes up a third of the time we will be sitting for water. There's also peat considerations in non-water ecology side because it's priority habitat – I can't give you any indication as to days and dates.

Ms Sullivan: Does that include surface and ground water.

Panel: Yes.

Ms Brolly: Would the Commission permit Save Our Sperrins to submit conditions on water for Monday.

Panel: That's fair enough.

Mr Tracey: Will NIEA have their radiological experts here – it is a manufactured isotope.

Mr Haughey: This will be a considerable amount of further environmental information.

Panel: No.

Mr Haughey: I am co-author of a letter with 23 other people as part of the trans-boundary process. I only have postal addresses to them, I don't know how I will make them aware. I believe the Loughs Agency should have provided a written submissions – because it leads to procedural issues here. We need time to digest information. We are talking a weekend, considering the actual consultation ended last May. It doesn't make sense that we are going to be subjected to a barrage of information and yet we are expected to take cognisance but to respond to it in the same time. Third parties are being placed in a position that is totally unassailable. What about the southern bodies that are not here today?

Panel: I am not going back over this.

Mr Haughey: But anyway, in all honesty, the statutory bodies should have an opportunity to hear what they are going to be said. How can they know to be here?

Panel: We have received submissions on trans-boundary issues. I want you to move on.

Mr Haughey: Fundamentally that is the issue. I have to contact to another person, to contact other people. How am I going to do that before Monday – I can't.

Panel: Those people had the opportunity to be here. If there's nothing else to say we are moving on.

Mr Grant: On the conditions, I have to ask the same indulgence granted to Save Our Sperrins. Mr Byass has not had an opportunity to view them yet. On the order of speaking tomorrow, you are anticipating we go first followed by Loughs Agency, given that we rely on what Loughs Agency said can we flip it.

Panel: No.

Mr Grant: Our Radio Inspector cannot come for all of 8 days.

Mr Lynas: It is not clear to us why the draft conditions would follow on Monday relating to trans-boundary. Then the updating tomorrow is somewhat not needed.

Panel: Conditions won't be discussed until after they finish tomorrow.

Mr Lynas: We are keen that everything in the updated position is in place tomorrow. What we don't want is for something to come in tomorrow and then another thing to be

raised by conditions. Our expectation that all parties be allowed to update their position tomorrow, is that something you would see happening tomorrow?

Panel: No, just statutory consultees.

Mr Lynas: We may need to revisit timetable when we come back, if there is any indication about what is coming, it would be gratefully received, as there are experts that need to know what is happening and when.

Panel: I can give you no more indication that what I have given you. There are some days we have swapped about on the day.

Panel: Mr McAllister, my question was about acid and non-acid waste and was that NIEA's remit, distinguish, test for etc.

Mr McAllister: That is not a test we carry out internally, but if the need ever arose to undertake that, it is something we could go to a third party lab to undertake, if those circumstances arose.

Ms Sullivan: I don't understand how that would happen on a day to day basis.

Panel: This was a mop up question from another day, it was not intended to open up discussions.

Mr Haughey: what about the powerline conditions, we didn't do those.

Panel: I do not have any questions on that powerline conditions. It is an entirely subjective judgment for us.

Panel: See everyone tomorrow at 10am.

Disclaimer:

These are not word-for-word transcripts of the proceedings. This note was taken by an independent observer in real time. Transcription errors may be present.

PILS have not edited the notes, other than to correct minor formatting issues or to clarify where text is missing due to inaudibility.

This note of the proceedings before the conjoined public inquiries into the Curraghinalt Project is for general information purposes. It does not, and is not intended to, constitute legal or other professional advice.

PILS cannot guarantee the accuracy of the note; any views expressed during the inquiry by participants are their own.