

2nd September 2026

(Potential) attendee list: 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), 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)

Discussion about a report, 200 pages from Golder Associates global engineering firm WSP which the Applicant, Dalradian Gold, sought to admit.

Ms Mary Brolly, solicitor for Save our Sperrins: Likewise in respect of Ms O’Kane and SOS instructions are that they have not considered the report, reference the conflict of interest vis a vis author.

Commissioner McParland – They have seen it

Ms Brolly – No, aware it existed

Mr Beattie, senior counsel for the Applicant, Dalradian Gold - ...

Commissioner McParland – more than one report?

Mr Beattie – 2 short documents, not sure in papers. If 2 water reports plainly have ramifications in a few weeks’ time.

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Mr Conor Fegan, counsel for Fermanagh Omagh and District Council – When we took a look at it, NIHE input.. at end of doc, an annex 1 relevant docs, several docs running from T-Z that includes several memos.. culminates in Aug 2021 report, certainly more than one Golder documents.

Ms Julie Ellison, counsel for Department for Infrastructure – A final report the most significant report brings everything together from previous report. Assumption was that commission had document throughout.

X - a 3rd party – Not au fait with what I have seen, re deadline being missed, it doesn't matter if it was sent in or not.

Mr Pat Haughey, 3rd party objector – Following yesterday's revelation did research last night and surprised what found, 5 documents, compiled into report.. letter 9th march 2021 summarized documents.. Golder docs. The doc was open to Dalradian but not open to the public at this time.

Commissioner McParland – How did you see them?

Mr Haughey – I haven't seen them, I have seen the appendix.

Commissioner McParland – what about fact publicly avail on portal?

Mr Haughey– I haven't seen it, no one aware of it, no trans boundary person seen it

Commissioner McParland – It's not an NIE doc?

Commissioner McParland – I asked if on website told no, asked if on portal told yes

Mr Haughey – I couldn't see it on portal, seems to have disappeared. We were told sent down to Dublin.

Commissioner McParland – DFI admitted aware of it, but what said Mr Haughey not aware commission didn't have it

Commissioner McParland – All info on planning portal, excepting of Golders, is before inquiry.

Mr Haughey – No 5 documents not...

Commissioner McParland – Mr Haughey are you telling me 5 other documents I am not aware of? Mr Haughey making no sense to me, will leave you to consider.

Mr Haughey – On 9th March 2021, NIE asked to look at doc re water.

Commissioner McKeary – Why is this pertinent? Explain to me.

Mr Haughey – Because that particular document summed up 5 tech reports submitted by DFI and they came up with summary of it... this is a summary of documents, the

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documents not available to the public... essentially what docs said... integral to entire process.

Commissioner McParland – brining you back to Ms Ellison that those 5 reports superseded by main reports –

Mr Haughey - Right to extent but 5 other reports refer to water

Commissioner McParland – Stop

Commissioner McKeary – If you have an issue with dept bring it up with dept, take at their word...

Ms Ellison – Commission only needs to see final reports doesn't need to see earlier ones.. but those are on the portal..

Can take from that Mr Tracey saw Aug 2021 doc as he was able to say it in statement in case.

Commissioner McParland – Commission considered overnight, nothing heard this am, changed this – commission not accepting Golder report as late evidence. Applicant request denied – they all had opportunity to provide it and didn't. Our statutory remit to consider issues raised in representations...

Re Ms Brolly's submissions, report in 2026 accepted.

Report environment 2025, not accepted. Sees no reason it could not be submitted earlier..

X –It was not on App to provide this... Commission does have a power and can admit it if sees fit and departs from rulings.

Mrs Brolly – Re your decision with 2 docs to be submitted, I would request a review in 2nd that was refused on basis that closing date for doc sub was Dec. That doc not published until Dec of magazine, at a loss how it was dated Nov. Wasn't available to public there. Fine line in terms of the week. It is a reliable source believe will be v useful to comm. Equality of arms, 3rd parties should be given every opportunity. Talking about a week, 11 days, in interests of fairness doc should be admitted. In your hands thank you.

Commissioner McParland – You said you could google it and it appeared on public website in November. You accepted evidence yesterday...

Mrs Brolly – No, the doc is dated 24th November, not that it appears on website, cannot identify date it appears. Googled doc, appears 24th Nov. no idea when published, doc prepared from Dec public – Dr Emerman received it in Dec. in publication.

Mr Beattie – Date 26th dec

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Commissioner McParland – Any evidence in public domain on 24th Nov.?

Mr Beattie - I can tell you in the public domain on 24th Nov., got doc with date on it. Would need so to check records. Came up on google with the date on it. I'm assuming date of public or written....

Commissioner McParland – When it is publicly available is critical date..

Mr Beattie – Yes issue re road abandonment, I went to check it.. Any condition needs to be linked to environment plan..

Commissioner McParland – I will pick this up Tuesday morning, all of us can revisit notes.

Mr Spiers, expert for Applicant – couple of points made re 2 day storage (?)

... Re points of 3rd parties, a summing error in the table – does not change dial or overall picture but wish to clarify.

Commissioner McParland – Sorry Mr Tracey raised 1 numbers are you proposing to give me a list of corrective numbers on the hoof..

You're revising numbers in oral evidence?

Mr Spiers - Totals do not tally, an excel issue. Want to put on record correct totals

Commissioner McParland – ?

Mr Spiers – Table 5.1 pg 39, reported 1807482 – sorter rejects – numbers as presented adds up to.. total check 2 –row 20, total value should be – 5487

Cumulative impact of those errors means total summation – should be 4790175

brings down slightly

2nd table – Appendix G mine waster plan – s3.1, pdf 16

Waste rock – total by type – correct value – 565065

Mine waste – 479005 (?)

Commissioner McParland – Can you explain how that fig – 574... is wrong in terms of adding up fig above?

Mr Spiers – Apologies for any confusion caused to 3rd parties.

If I may continue – next q brought up – only 2 day storage capacity...

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Each cell was ... storage for each raised. When weather wet we have multiple lines of contingencies for that.

Moisture content ..

Point no 2 – in filter plan itself gives 3 days worth of storage capacity. We have estimated higher value, 15 tonnes.. we can store 3 days of storage in plant.

EG. inference in days like today pouring rain, we will not stop construction.

Referring back to tables just adjusted, table 5.1, pdf pg 39 of mine waster plan, would like to highlight during 8 years of production.

2nd observation – post yr 14, amount went right down. Only in cell 3.

In cell 1 and 2, 50/50 mix.

Those numbers are reported in real, in practical terms. 3 tailing mix. Free draining gravel, 300 ml.

Analogous – 3rd party – lots of wet draining all the time, where to put it..

Not the case, blessed with construction material that will help us supplement draining ourselves.

Wanted to point out – density variations. Low density filter compact in specification. Today's eg raining, we don't stop and say where we put draining, will focus on placing free draining gravel here and put wet drainings and stockpiles away from the perimeter. 3 days counting in plan which we still don't need to use, sun out go back to wet stock pile. Flexibility on upper deck areas to match.

Commissioner McParland – In relation to drying process happens in proposed areas of cell, what happens when get to cell 3 occur on that area?

Mr Spiers – Yes

Commissioner McParland – No extra area required?

Mr Spiers – No.. weeks of redundancies on upper deck.

Commissioner McParland – A layer of tailings, followed by orzer rejects – plans I have seen that doesn't appear to be shown all one?

Mr Spiers – We've taken a conservative case on basis of analysis, take the tough option

Commissioner McParland – A layer of 50 ml gravel

Mr Spiers – 85ml max

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Commissioner McParland – A layer of tailings and gravel on top which you say is brilliant for drainage, does that not mean water would percolate through it and would sit on tailings?

Mr Spiers - No goes and sits on...

Commissioner McParland – erosion risk?

Mr Spiers – No

Commissioner McParland – What about huge storm event and water percolate through gravel?

Mr Spiers – Will be shed off the upper deck to perimeter drains..

Commissioner McParland – I understand drainage but that won't collect all? Some sort of coat on tailings make impossible to erode?

Mr Spiers – tailings compacted dense material doesn't absorb water

Commissioner McParland – if 1/1000 yr storm event

Mr Spiers – goes to drains.. We have a flux of water. The upper deck – water will be drained towards perimeter drains. We acknowledge water goes across upper deck and will go.... It is a closed loop system.

Commissioner McParland – All I am asking about is erosion of dry stack material – a possibility/ pathway that dry stack facility eroded in storm event?

Mr Spiers – Mitigation of that, front face.. towards hill sight. Final mitigation, slope will be re graded. Typically when re closing mine facilities, 1/3 we are using a lower slope angle 3.5 and that stop hydraulic erosion of cover system.

Commissioner McParland – Will come to conditions later on.

Mr Spiers – final pt – Guatemala comparison not appropriate, tropical climate, TR22 – tech report referring commissioner to that, p21, fig 4. Shows us a picture of greens creek Alaska. Weather patterns similar constant low intensity, some high intensity rain. Closest analogy.

Commissioner McParland – I have a few q on greens creek but later on. If its like for like and pollution incidents later on.

Mr Spiers – Wil try to brief, climate change and extreme rainfall. Will climate change impact managing daily basis... want to make pt hydra designs accommodate that.

Commissioner McParland – Will deal with later.

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[Addressed to third parties etc] I understand more given as to what was said – I have questions later on, some new information will come out and I would ask that that's where appropriate response are given. If we get to end and still something needs rebutted will give you opportunity then, would like to continue with flow of questions if poss.

Q from 3rd party – not assertion re 2 storage in documentation

Commissioner McParland – Only question left re waste amounts some million tonnes some million cubic metres, Mr Tracey said these seem to be at odds with each other throughout document.

Mr Spiers - Tonnage mass basis needs to be converted into vol metric basis..

Gave the conversions.

Commissioner McParland – Table anywhere that shows conversion rate all way through

Mr Spiers – Use tonnes sometimes and cubic metres over times..

Commissioner McParland – Still working on assumption 29 waste rock goes to ... and ... of tailings goes..table 2.1 of project parameters, still accurate?

Mr Spiers – Yes.

Commissioner McParland – 43 % of 8.. million tonnes of tailings, anybody have a calculator.. if 29% waste rock is being used above ground then that gives us 4.611 million tonnes and if 43% of 8.25 of tailings above ground 3.5 cubic tonnes.. then by your own conversion rate for tailings we have 5.3 cubic metres and that's just for tailings so how are we doing this gentlemen?

Mr Spiers - Query

Commissioner McParland – Fig for waste rock and tailings 2019 update says 2.85 m tonnes of tailings and 57% of that stored underground as backfill other 43% stored above,

Mr Spiers – 3.5 million tonnes..

Commissioner McParland – How have you converted that into 4.8 cubic metres... divide tonnage by conversion

Mr Spiers – 3.5 divided by 1.5, 2.33 cubic metres of tailings.

Orzov(?) rejects apply same density – and same with waste rock, comes out 4.8.

Commissioner McParland – DFI questions for yourselves, 3rd party says should be classed as waste facilities have you come to conclusion. Is Mr Corrigan speaking on behalf of DFI? Agree with everything? Not maintain a mutual view?

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DFI – Brought them as a consultant [*Likely referring to Golder Associates global engineering firm WSP*]

Commissioner McParland – That report is not in evidence, will be quite strict on this, re third parties. They are not a statutory consultee. We have a rebuttal from in your statement of case. But query raised not in rebuttal.

DFI – Problem we will run into re report...

Chair – Asking DFI if it will be categorized as a category A waste facility and if so why?

DFI, Ms Ellison – Moment to take instructions please..

DFI position not a Category A waste facility in accordance with mine waste regulations.

Commissioner McParland – In relation to criteria 2 and 3 of category waste... ..

DFI – We believe there is sufficient information yes..

Chair – Third parties, Mr Tracey?

Mr Tracey – Can we classify even if reviewing controls as we speak. 2 – 2019 identifies facilities as a risk, assessment probability is irrelevant and failures that could occur should be considered, max spill extent.. own form states just because we say are going to drain and compact it, any conceivable failure should be categorized as category A. Another case tail is wagging the dog.

Mr McKinstry – Cat A any failure.... A waste tip on top of mountains, with high rain fall, category A no doubt.

Dr Emerman, expert for Save Our Sperrins- Repeating language of app. Facilities should be class A if a major accident is possible/credible, certainly possible history of accident in these types of facilities. Brazil incident. 2024 Mexico, contaminated public water supply. Dec 2024, goldmine in Brazil, run out of filter blocked emergency exits, evacuation of 134 residents. March 21st 2025, Indonesia incident, first time had undergone liquified tailings.. 4 mine workers went missing. Feb 2026, collapse of filter tailing in Indonesia, 1 fatality. 6 major accidents since 2022, other incidents not documented. Might not have found all facilities in report. Point – Failure is possible because failure has happened repeatedly, could give rise to a major accident, should be a class A facility.

Ms....[3rd party objector] The applicant has not considered implication of mine drainage and therefore should be categorized as category A.

Mr Donnelly 3rd party objectors– Remember if acidic rock been found and stored at any facility must be stored as category A. potentially acidic rock has been identified therefore category A,

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Ms .. (?) – Location as well – close to where people are living. Close to them. Must remember possible impact on that.

Mr Tracey – Hearing all that, Cat A nothing else. 2 new properties right beside this. Even precautionary principle category A.

Mr Haughey – DFI says no category A, no evidence on that. Category A consequence test, not if probable, if it ... category

Commissioner McParland – My understanding Dalradian has said not Category A but has carried out what you feel is required for a Category A

Dalradian– Correct commissioner...

Paul Hollywood – I'm a Farmer. Rain coming down at the floods already what will it be like when weather warning.

Martina Holywood – Whenever this toxic plant above us comes tumbling down where do we go – schools and families – making it out we live in a barren country, not very safe.

Dalradian- Reason said not cat a, under sched 3, a disjunctive set of criteria – one give rise to major accidents, waste.. We do not accept X because of treatment...

Limb 1 - ...

Commissioner McParland – Criterion 2 and 3, I want to go through possible failures..

Criterion 2 – Not applicable on material, ref dec 337, 207, EC mine waste management plan – p35-36. Issues cross checked using global industry standard rr22 – assessed as signif.

Commissioner McParland – Coming onto that... backfilling of waste being unknown in its chemical analysis, could be acid generating, what would it compose if mixed with slag and hazardous if so where is it located in ES.....

Dalradian Mr Spiers(?)... we did serious of tests results G9 geochemistry report, p38-42, TR21.....

Chair – acid generating... something I will pick up in water

Dalradian, Mr Spiers(?)– PH circa neutral.. During operations, no flow out of the mine – water flows into the mine and is being treated in the plant – closure when water remains...

Commissioner McParland- Question about that tomorrow...

Commissioner McParland- DFI having asserted not Cat A, 3rd party raised concerns... does ES outline potential consequences of tailing facilities... is there a risk to human life,

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health, environment and can one be categorically ruled out? If helpful Ms Ellison, this does cover something in Golder rebuttal so they can speak to it.

Mr P Corrigan from Golder – In relation to consequence, I am not aware of Review been limited to mine waste plan, at time this submitted not a lot of technology for dam break analysis, there is a lot of different model packages – tech developed a lot in last 5 yrs especially would have knowledge of what dam breaks look like, from our point of view would have knowledge..

Commissioner McParland – Am not asking you to present case on app, asking you is it not considered?

Mr Corrigan – Not in mine waste plan

Commissioner McParland – Can a collapse or a slump or any type of failure of tailing facility be ruled out completely?

Mr Corrigan – Not completely no

Commissioner McParland – If there is human error in the construction of it, 3rd parties have said multiple unknowns one element human error in construction a credible failure mode?

Mr Corrigan – A risk factor that feeds into a cred fail mode not in its own right

Commissioner McParland – In your rebuttal of Dr Emerman, you have said not the collapse but there could be a slump like movement directed towards Pollanroe Burn would that not consistent an environmental impact under reg

Mr Corrigan – Carried out a number of dam break analysis, experience in this area, have not done one here. Based on knowledge, when filter tailing stack constructed without external catchment, channels around it.. no potential for water to flow onto it – different to a valley – but in this scenario, filtered tailings when slump will travel 50-100m in analysis I have done

Commissioner McParland – Is there any guideline what should be considered for slump like behaviour..

Ms Ellison-....

Commissioner McParland – Not q asked, when you looked for issues raised and that USP rebuttal evidence that slump behaviour could occur in direction of p.... when looked ES was satisfactory how you came to that conclusion?

Ms Ellison – In terms of ES dept position is that that was for matters of debate at inquiry, no further action taken. Should say WSP looked at mine waste plan not environmental statement and that was what their report was based on.

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Commissioner McParland – DFI do UK/EU guidance documents say anything about how it should be constructed? Or simply tailing facilities?

Ms Ellison, mind repeating

...do they make a difference in how dry stack facilities and traditional facilities should be constructed ?

Mr Corrigan – Most guidance talks about design of facilities rather than construction.. The EU guidance provides some, not a lot to be honest.

Commissioner McParland – Any 3rd parties have anything to say?

Dr Emerman - Gentleman said when filters collapse 100m... In Brazil collapse, run out 400m.. at Pau Branco mine, height 48m, run out 128m – In general run out 20 times run out of stack. Talking about new tools for predictions but talking about real world experience. Applying rule, 59m high run out 1200m~ covers numerous houses, many opportunities for slump to become a full liquefied mass

X - 3rd Party Objector -... I find admission by DFI damning. We have multiple concerns... are there things not looking at that could lead to failure

Commissioner McParland – I do have questions coming up.. Mr McAleer everything needs to be in written evidence, you'll need to persuade me why not in written evidence.

We have questions later on re drainage,

3rd party objector - I have concerns about stability of 59m high waste mountain. I am one of few people who has handled this stuff. Damp sand, I believe as lay person, 50m of sand, like beach when tide comes in.

Mr Tracey – Acid test, carried out on drainings sourced in NI... Are we looking at a big gap in the information. One thing we highlighted from day 1 was amount of info spread over 10,000 pages not concentrated. Sitting at a juncture where we have to consider info before comm is inadequate and lacking, erring on side of criminality here if we continue on....

Commissioner McParland – Commission not stepping in re that matter.

Mr... X – 3rd Party objector - Has wool been pulled over the eyes of third party objectors – only reviewed part of it. V questionable the legality of DFI position.

Commissioner McParland – If anyone has concerns about process of application, direct to DFI, we are not public service ombudsman.

Ms ... X (3rd party objector)– Water under it

Mr... X (3rd party objector) Concern re environmental statement....

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.....

Mr Fegan - Reading from a document – no credible risk from mine waste facility. Have before you two rival factual assertions. P25 – the credible failure mode, a slumping failure – you have DFI expert saying there is a credibility risk failure, stumping failure. Dr Emerman too – a credible risk. That there is no credible risk at odds with 2 other experts in the room. That may be a matter that may arise again when look at habitats, and if all habitats have been properly considered.

Commissioner McParland – Mr Corrigan he gave real life figures, unless you can dispute it..

Mr Corrigan – Rules of thumb should not be used..

Commissioner McParland– is that not what you have done? Have you done it on a predictive model?

Mr Corrigan – No not on this one.

Commissioner McParland – so you're estimating?

Mr Corrigan – Based on experience, so would say that is more accurate.

Commissioner McParland – I do not understand what point misinterpreting, Dr Emerman based on real life examples, not a rule of thumb, unless contradicting stick to what you've said

Mr Corrigan – The evidence I gave was based on damn break analysis

Commissioner McParland – so based on exper., have you outlined previous collapses what are you basing- you haven't in your written sub, you've said what we think will happen – but haven't provided any examples to base assertion..

Mr Corrigan – I'm retained as a technical expert.

Comm – Not a technical expert to me need to know basis of objections here

Mr [Unclear in note if Corrigan or Beattie]- If the same type of facility relevant, if not different. Need to be careful. PC differentiated an example. Re Mr Fegan's comment on Dr E.. for a failure must be 0% chance, disagree with that, every risk is quantifiable not a case that for a failure mode to be considered not credible 0 risk.

Mr Beattie – 2nd issue – Can the risk be categorically ruled out, not the stat test out, doesn't ask for exclusion, not a zero sum game of regulations or directive. Asked to think about category and waste and carry risk assessment. In terms of nature of assessment heard word if credible risk arises from guidance and see that, not the stat test framework against which one carries out risk assessment.

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Commissioner McParland – Can't go through all questions of 3rd parties and then when finished that turn to criteria 1.

Mr B- Going through document. If schedule 3 conclusion is reached reported and recorded.

Mr Spiers - says have done a number of samples which have led to a wide range of results. Looked at what if situations. I am at a loss to explain credible mechanism where it could fail and run out – will there be an instantaneous run out of slurry?

False comparators- will highlight common themes. Not relevant in this situation. Termalina 2024 brazil failure not analogous. Moisture content 25-30% - 10 + % higher. Fine grained tropical soil, contains sig clay fractions. Inference is that tailings are hard to de-water and when comes out in plant, hard to get the water out of it. Silt and sand fractions. Testing refers to shows outcomes. Fair wetter climate. Even in failure cited happened slowly over 48 hours – every single person evacuated. Even if don't trust no if a failure, protections in place..

Commissioner McParland- But likewise different in terms of soil content, if that cases using 48 hours?

Mr Spiers - Making point looser wetter soil not an instantaneous run out, time

Commissioner McParland – But that's a different soil type... how are you saying its relevant?

Mr Spiers - Making point monitoring picked up before failure occurred.

Commissioner McParland- Given rebuttal to what is said

Mr Spiers - Moriwahey nicol hub – Went through other examples given earlier and argued not analogous. Do not use rules of thumb to assign risk, use the data. Described the and outlined perceived differences. High moisture content in tailings, higher than ones to be used here. Wetter environments etc.

Mrs Brolly – Allegations of false comparators, Mr Emerton would like opportunities to address that.

Commission – I'm happy I've enough information, propose take lunch and come back after.

Afternoon session

Commissioner McParland– Friction angle for what is above ground is based solely on tailings?

Mr Spiers - Yes, friction angle to do with drained permitters. Undrained strength parameters also important. We analyse undrained strength analysis.

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Commissioner McParland – 3rd party raised slippage, was a friction angle designed at this interface?

Mr Spiers – We did interface sheer testing in a lab. We got peak and residual strength from that which is used in sensitivity analysis. Fig B9.

Commissioner McParland – Was a friction angle assigned to it and if so where is it located?

Mr Spiers - Re table 4.3 weak liner had failed, reached its residual strength. Loading of the liner it strains and deforms, 20 degree failure, table B9 – E11. The weak later, we run analysis 1.5-1.85 vs 1.1.

Dr Emerman – I am concerned, lack of measurement of foundation strength on assumption that critical service passes above the foundation. If you haven't mentioned foundation strength I don't know how you know what that critical surface is. I haven't seen any measurement of friction angles of the tailing that have been compacted or not critically compacted. If we get tailings with water content of 19%, tailings with water of 20% or higher cannot be properly compacted. How often have tailings of water content above 19% and no place to store them or to drop. Some fractions of tailings will not be properly compacted, have proper friction angle. Do not see how any of this taken into account in stability analysis.

X – Very few bore holes, in this case holes haven't reached the bottom of pond so guessing to a degree. Normally 1 test per bore hole of the samples. So if 40/50 holes and one test per, we would have 40/50 test and that many samples not 2 as is here. That is what dfi would require of us for a small housing scheme. Euro code 7 for design of technical structures.

Tailing pond off set 30/40 m – off site, only about 6 metres from base of the pond. On section analyzed here, angle 21 degrees/1 2,5 but actual angle is 1/2 , 27 degrees far steeper. Groundwater table in cross section meant to be more than 5 m above liner, but in one analyzed not the case, get a much higher safety factor. Also asked to use euro code 7 for other factors, model factors, partial factors etc. also expected to apply a large load, eg snow, would reduce safety factor considerably, hasn't been applied here. Finally, if using a liner and that way expected for it show conditions, would use a much lower angle. Main concern – table pond going to get a big reduction of stress at low of the bund and lack of support. The kind of issues we would be asked to look at for an application locally and codes expected to use.

Biggest risk, sliding in tailing pond.

Other factor we've heard a little about liquification chat, implied because material is silt liquefaction is impossible but it is known silt can suffer from this too.

Q – Geotechnical drilling, if using figures for this, where from?

Commissioner McParland- My q about literature.

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X - 3rd party objector - Technical drilling done

Commissioner McParland – Can evidence team clear up borehole issue?

Mr Spiers – Need time to check that.

X, 3rd party objector- In appendix G3, performed using typical product and not the exact liner to be installed, why did they not use exact liner proposed to be used?

I don't know if much detail on it, anyone in that area holes in that area, that area saturated with springs..

Commissioner McParland- I do have q about drainage to be provided

Springs would be the opposite.

Commissioner McParland - Under drainage underneath liner to be proposed

Mr Haughey – Sample size too small. Quantities cannot demonstrate 2 tonnes per cubic metre required. Rubbish in rubbish out what we're seeing here. Tests insufficient. This must be rule of thumb or conservative. No test of degradation under sustained or normal load, creep. The actual life of the liner is so important, 50-100 years. This is not considered in calculation because they will not be there. Liner will degrade and we will be left with consequences. Once in a lifetime opportunity, it will never be replaced again.

Mr McAleer Save Our Sperrins - The pond depth is SRK. Section CC.. alignment AA is the section, it is not looked at. Most sig drop – 20 m tailspin drop (?), no corresponding analysis from that. Section FF too, different drawing on depth. Contradictory picture, analysis not aligned.

Dr Emerman - I want to respond to claim I was making a false analysis.

Commissioner McParland -No, I have heard the 2 opinions. Have enough information.

Dr Emerman– Want to clarifying common feature, is SEC/ SRK consulting.....

Commissioner McParland – I am going put a stop to that.

Dalradian – Need to give team time to check what they have heard.

Commissioner McParland – You can have overnight to rebut what has been said, can come onto first in the morning.

Commissioner McParland – 3rd party have raised concerns to proposed tailing facilities and guidelines, I note Mr Emerman response re China and Brazil however Applicant has relied on Canadian association guidelines, I cannot find this in written sub this has obviously been misapplied, don't have in evidence. Going to ask DFI do you have it?

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Ms Ellison – At the moment answer is no but would need some time to have a look at that.

Commissioner McParland - Mr Beattie has applicant provided in background papers

Mr Beattie – Will need to check that

Commissioner McParland – I am asking is the guidance doc itself in evidence

Mrs Brolly – 2019 should be in evidence if any up to date one

Commissioner McParland – The one ref in app sub 2013 one

Mr Spiers – 2019 updated one of 2013,

Commissioner McParland– Why updated?

Mr Spiers – Long doc

Commissioner McParland – Why not considered?

Mr Spiers – Several criteria that are important have not changed

Commissioner McParland - You have a mine waste plan that doesn't consider updated guidance?

Mr Spiers – Been reminded technical report 222 mine waste, p7 of pdf s2.23. a note taken about it there alongside relevant guidance

Commissioner McParland - Is it referenced anywhere else?

Mr Spiers – In pond stability doc, rr9 pdf p103

Commissioner McParland - But neither doc in papers as of yet

Mr Spiers- Not replicated, publicly available doc

Commissioner McParland – but I cant go there

Mr Spiers – Apologies didn't furnish you with docs.

Mr Beattie – Provided another reference. Other references in G3.

Commissioner McParland – Going to ask q because don't have guidance, app ES because of community guidelines, 3rd party expert states that 2013 guidelines say if only temporary pop at risk, seasonal cottage use, transportation route – do the app agree that is what is said in guidance or dispute it?

Mr Spiers – So consequence categories, gstm

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Commissioner McParland – No you have quoted in terms the Canadian dam association guidelines and indicated that facility classed as significant.

Mr Spiers – Yes that aligns with gstm

Commissioner McParland – Does Canadian guidance classify significant as only applicable if temporary population at risk?

Mr Spiers – Yes, in gstm equivalent is 1-10(?). publicly available doc not in papers.

Commissioner McParland – Appropriate to class something as significant on site where permanent residents surrounding..

Mr Spiers – We discussed credible failure modes, DFI rebuttal statement appendix 2 pdf pg 23-26. What the independent reviewers stated only credible failure mode stable ~ 2nd not discussed....

Commissioner McParland– Stopping you, question simply whether category of significant failure can only be applied if temporary population ?

Asking you again – does current site comprise of temporary population?

Commissioner McKeary – Do you consider the population living around the site to be temporary population?

Commissioner McParland – Simply asking for reading on the guidance, can the assignment of significant be assigned to area that has a temporary population?

Commissioner McKeary - and then we can decide if guidance is appropriate?

Mr Spiers –....

Commissioner McParland– If not temporary pop, is X category it significant

Mr Spiers – We do not feel credible failure mechanism in which material leave the site, those dwellings are without what would be affected from credible failure.

Commissioner McParland – Where are those zonings outlined in..?

Mr Spiers – They are not. In slope failure any slump material would be caught by the ponds. As pond excavated, no embankment. Only flow behaviour which would be displaced water in ponds, would act as a warning rather than an immediate danger to local populace. If people on site did not construct site properly mistakes etc etc worst thing would be slump reaching the ponds. *App making point that this would be the worst thing that would happen – essentially.*

Commissioner McParland – Category of failure whether significant or extreme does that not dictate design criteria? Are you not working backwards? If temporary population not a lower design criteria, if a permanent population not a higher design criteria? If you

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have underestimated the failure consequence category is the design criteria not underestimated.

Mr Spiers – Re credible failure that is slumping that reaches the pond, and does not leave site, if you'll let me run through consequence categories...

We looked at all credible failure mode – most of consequences of failure in the low category, gstm annex 2 – wanted to read out some relevant consequences assoc. with low...

Commissioner McParland – I need you to address whether significant? 6.1 mine waste plan – 'Slump like displacement water from ponds immediately downstream can impact b40(?) road, residents, local road'. – can you please explain how you think that is a temporary population? P116, pdf 41(?). Structure of failure of mine waste storage failure

Mr Spiers – This is a risk of occurrence happening rather than a consequence – that is separate.

Commissioner McParland – I only have risk assessment.

Mr Spiers – This guidance doesn't use temp

Commissioner McParland – Its either relevant unused – or well that's what you've used.

Mr Beattie– Reason it is used is higher than bat.. to be clear if you simply ignore

Commissioner McParland - 3rd party saying you have relied something but re-classified it, don't have doc, I am trying to interrogate through doc that that element has been missed through questioning..

Dalr – *directs Comm to online material..*

Commissioner McParland – I cannot look at something online.

Mr Tracey 3rd Party Objector –

Commissioner McParland – We can't look at something out of evidence

Mr Beattie – There are a lot of documents that have been referred to outside evidence, there is a risk of disconnect.

X (?)– what procedures reference PAC website

Mr Beattie - Only requires list of documents referred to – common sense don't want to over burdened.

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Mr Tracey 3rd party objector– Re Mr Holywood, someone affected, abysmal describing his family home as temporary, don't see how can be described as transient. Concerned about the design.

Mr Donnelly?– Couldn't find document. Don't understand why Canadian standard not EU standard. Have to use EU law. DFI meant to be impartial – using EU law. Serious q – entire basis of mine was designed around Canadian standards doesn't make sense at all.

Commissioner McParland – Referring me to para 9, still says you are using Canadian lines..

Mr Sean Tracey – All info is referencing 2013. We talked about slippage/ slump into pond, you have inadvertently highlighted a major spill factor, if you have spill everything goes to east pond by design. You would have a catastrophic failure.

Commissioner McParland – If slump like failure would go in pond.... When eventually get to category 1, environmental..

Ms Linda Sullivan Save Our Sperrins – Comment instead of relying on Canadian mine guidance, should be considered rural needs act... which considers the needs of rural communities etc and ensure that when creating plans their needs put first and foremost..

Commissioner McParland – ...because at least loss of one life should be a risk.... Based on above standards taning dams should be designed to withstand 1000 yr flood or .. earthquake... does the applicant agree/ agree and if so why not?

Mr Beattie – May I ask you a q are they exhibited in documents?

Commissioner McParland – It's quite the same and I have asked your expert to provide.. its an issue raised, if your answer is that...

Mr Beattie – No you've done so its extremely ...

Mr Spiers – We don't consider that is accurate, refer again to failure modes – shallow slump migration of tier that may or may not reach the pond, depending on height of pond, could displace water or not , would be a 'warning' not disaster(~).

Canadian damn close to gstm – significant category talks about consequence

Comparing the two modes: our category –

No loss or deterioration of habitat, no potential contamination of livestock or water, potential toxicity, tailings no acid....

Extreme category – catastrophic risk of critical habitat of rare or endangered species, potential impact of Kilometres, restoration impossible and requires a v long time, 20 yrs...

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Significant consequence category-

We said if slump occurred sig disruption of business...

But low likelihood of loss of regional heritage cultural health effects

Via a vis extreme – says 5,000 people impacted from disruption of businesses, services and dislocation

A significant heritage community cultural assets destroyed and health effects

Final category – infrastructure and economic –

Losses to recreational facilities – impact less than 10million – would have up to 10 m US dollars.

In extreme consequences – up to 10 billion

*noted of the above that that is disproportionate to shallow slump..

Mr Tracey – Point of clarification, river itself a protected river. 43,000 homes. Water extracted from river for filling station. 43,000 people affected – effect on salmon fishing – tourism and everything else. To say it is disproportionate cannot understand that... will be also 100,000 people affected – a) shows lack of knowledge design teams have of where sight it and how the adverse effect is magnified downstream.

X 3rd party objector – Impact on rare and endangered species. If at any way of all, the slump goes into waterways will be no fresh water from mussels, water polluted forever. One of few inland rivers where fresh water pearl mussels exist. By definition Mr Spiers has classified event to be extreme (speaker submitted I believe that Mr Spiers had admitted impact upon endangered species).

Mr..... Don't need to fill out of 5 criteria, one criteria. Focussing on loss of life. How many houses on roads driving along road – could get into 100 people or more that's how getting into extreme consequences. Other issue having trouble understanding concept that pond will contain a slump, that is a possible outcome, tailings into pond – tailing sink to the bottom – but another possible outcome tailings fall into pond fully mix with water and what was a solid slump is a mass of liquified tailings and that overtops the pond and nothing will stop that until it gets to lough foyle. If you want to add up consequences from that, a long list. Considerable consequences to all these categories.

Commissioner McParland – Addressing to NIEA, have you considered possibility of release of untreated water from storage plants and if not why not?

NIEA – No we haven't considered it, sitting here as a decision maker re abstraction application and here with provisional views and also as a consultee.

Commissioner McParland – Impoundment is a controlled activity under legislation, unclean water pound is classed as waste, will result as sediment which is a waste which is technically part of your controlled activity..

NIEA – We haven't assessed that issue, there is a reason I can provide.

Commissioner McParland – Maybe in the morning..

Mr Tracey – DAERA who I believe NIEA associated with, they got a report done highlighting the issues. NIEA should have that.

NIEA – not report, advice. Released mistakenly. Deals with habitat reg a different point than that which you ask me about.

Commissioner McParland – my memory legal advice?

NIEA – Legal advice

16.08

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