

3rd 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, Greg Lewsey (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)

Mr Spiers, geotechnical and tailings engineer at SRK Consulting, expert for Dalradian Gold– Stability analysis..

Commissioner McParland – When talking about extremity of site are you talking about red line or parameter? So only the tailing stack not the site?

Mr Spiers – Talking about parameter. Pdf pg 14, clear visual aid clearly shows distribution of trial pits and geometrical boreholes red crosses in image.

Want to touch on euro code 7 – gives specific guidance on spacing – refer to EN 997-2, 2.41.3 allows investigation points to be spaced more broadly. Site characterized by weak peak material, sandy gravel material.

Commissioner McParland – Another concern raised that whether strength taken from literature not from the ground?

On behalf of PILSNI- Public Local Inquiry into Dalradian goldmining proposals

Mr Spiers - Claimed that our strength was from lab test, borehole testing missed – we did standard test, SSP test. P19 of doc – standard penetration test hammer of certain way dropped on, count number of blows. Within boreholes 44 of those tests. Pdf 19 standard penetration test table, end value comms counted, dash – refusal. Tests indicate very dense and very close to surface. Why didn't extend to 30m? Encountered bedrock – shifts. In NI generally encounter materials above.

Wouldn't continue drilling when happy have reached competent bedrock layers Do have a hydra geological bore hole, in ES environmental statement C5. Pdf p133-144

Consistency point, dense ptn values. Weather trysts bedrock close to surface.

Next point put to us- only done one test per bore hole, should have 40-50 samples with stat analysis. Done spt ½ intervals. Done sheer ven tests across site. Pocket perimeter tests as well from samples. *Going through classification tests as well.* Also sheer strength tests. Gravel unit close to surface, cohesion values of 19. Friction angle of 35. Geometry of stack re ponds and stack 1st issue. 2nd issue change.

I'm going to hand over to Greg Lewsey – to speak to pond geometry

Greg Lewsey, peat expert for the Applicant – Pond analysis. *Directing Commissioner McParland to updated pond design and through pond drawings.* Stability analysis to support those sections included in rebuttal 9, pdf 92 of 121. This explains how ponds updated in chronology.

Mr Spiers - Differentiation highlighted between 2 stability analyses. Referring to SDDE doc p7. General log, fig 14. Granular material gravelly sand is the value. Beneath weather and fractured shifts. Pond stability analysis, differentiated between the shifts.

Commissioner McParland – Just said weather shifts with ... cohesion... and

Mr Spiers – Would not be appropriate to find a cohesion of zero

Commissioner McParland – You're telling me trying holes on site, found weather sists so applied 100, will come back to Mr Mackenzie point on bore holes.. In relation to a precautionary approach is grouping them together and 100 kpg precautionary... should a more precautionary value be a 0 and 100 for fractured?

Mr Spiers – Table spt values refusal indicative. Borehole logs. Clearly encountering bedrock picked up again and again and again in numerous bore holes and other places. Key message is consistency. I struggle to find ambiguity in that. Euro code where confidence and consistency data can be extended out, can be less. Another precaution to highlight broken up weather systs unit, applied that. We have bespoke values in our stability analysis where we find behaviours in the data. Interface. Appendix G3 of mine waste plan. Appendix A table A6. Pdf p55. G3 pdf p30 – Sensitivity results. Stability analysis aligns with construction plan.

Next point - Ground water meant to be modelled 5m above liner but less than that.

On behalf of PILSNI- Public Local Inquiry into Dalradian goldmining proposals

Appendix g3 mine waste plan, pdf p27- 'Seepage modelling indicates the base case pressure head is a maximum of 2.5 m, represented as small saturated areas above the liner and between adjacent drains.' Our model 2.5m not 5m.

Results stability analysis G3, 4.4 and 4.5, p29. P30 of pdf – going through undrained analysis, the extreme 'what ifs' modelled. By Canadian dam association. I would challenge anyone to show where we could have 20m in filter stack.

P114 of rebuttal statement 9, appendix 2, appendix c, fig C – stability sections. Re point raised on offset, 30-40m, in our pond stability analysis we looked where came closer, 10m, dfs included in analysis. Effect of dfs approaching ponds has been considered. Groundwater – included rockfill zone – which has effect.

Commissioner McParland -Rockfill site on slope of pond and free draining, slope out the ways?

Greg Lewsey (?) *On the very left of Dalradian Gold's table* - No

Commissioner McParland – Helpful to have a table

Greg Lewsey– Lining system of the ponds.. drawing 016 21/p/civ/700

Commissioner McParland – When did that come in?

Greg Lewsey - ESEFI 2 2020

Commissioner McParland – Has that changed?

Greg Lewsey – Liner detail I that drawing hasn't changed sig, sorry hasn't changed.

Commissioner McParland- 2020 drawings, 2017.

Greg Lewsey – Appendix C4 p25

Commissioner McParland – FE1 Appendix c4

Greg Lewsey – *Going through drawing.* Groundwater point – this picks up groundwater which reports to slumps within ponds and pumped out throw pipes, which prevents uplift of the liner.

Mr Spiers - Final point from me on response – no friction angle estimated on the tailings. Wish to refer commissioners to appendix G3, mine waste plan, appendix B, pdf pg 133. Key point stress paths for undrained tract tests, tests remoulded in a cell, normal load is applied and look at response of material to undrained loading. Then – a loose lab tamp sample – we then saturate cell to replicate conditions in stack, to replicate loosest possible conditions that lab tech can achieve, for earth work structures between 90-95%. This test done at 82% way below value. 1st pt – all 3 charts look v similar. Looking at initial period of contracted behaviour and then dilation – no strained softening. Contraction is bad, condition in soil that could lead to liquefaction and run out material.

On behalf of PILSNI- Public Local Inquiry into Dalradian goldmining proposals

Dilation is good, where material hardens. Anything goes left in charts contracted condition, goes right dilated or dense condition. In all charts red line can see initial period where it deviates left, bad, but under loading pressure curve bounces back and goes to right axis of charts. For all 3 samples this is the case. This indicates that all these samples do not strain soften but strain harden. Means that when material loaded under high loads, it will strain harden and not soften or turn to jelly or liquify. Essence of what data tells us. A liquification assessment essentially.

Final quick point – used these lab results to define undrained strength parameters used in stability analysis, p133 table B1 – a descriptor of this phenomenon contraction vs dilation. Point at which the point deviates gives us undrained strength parameter, Table B1. Loosest possible value lab could create has been used in these.

Commissioner McParland – 2 more thing raised by Mr Mackenzie, 45 degree angle steps in flights, have they been assessed anywhere? Point about snow?

Mr Spiers – I have never analysed that. Impact of 2/3 m of snow would be very little in structure between 20-30m high.

Mr Beattie – Want to make points about weighing exercise. Geoman retained by Dalradian, between 2018-2019, to provide analysis and report on bore holes, produced report 9th may 2019, report directly relevant to bore hole data contained in appendix C1. Data from report incorporated into ES. Has been in ES material since 2020. Instructed after 9th May incident on site and they were unable to leave site due to conduct by 3rd parties. Geoman properly paid for work considered. Mr Mackenzie invoiced for the work. The headline commissioner however Mr MacKenzie personally involved in specializing the testing. In an email from 2018 from Geoman, quotation for 3 days work onsite including the logging of debts, sheer strain... On this site, in dry stack, in area, he was giving advice on testing regime, in same email he personally proposed bore hole on site of 5m depth, in our opinion 5m bore holes would double time on site and cost implication. Nowhere in email any suggestion that anything deeper required. He proposed 5 not 30m. 2nd pt, he also attended the site, 12th June 2018 – email re issue. Provided with material, priority geotechnical pile log and photographic record, on 12th June. Email from Mr Martin Howe to Gordon. He gave advice on testing regime and provided with Dalradian witness logs now attacking, stood on site when holes being logged. Consequences 4 fold- 1- investigation he was attacking yesterday, an investigation he worked on personally and own firm worked on and Dalradian still entitled to rely on. 2- firm made no criticism about testing, bore hole depths or distances at any time in reporting may 2018-2019, they did note sieve analysis had not been done on samples. 3- arising from that he told commission that 40-50 samples as a proper statistical analysis, his firm classified 50 entries on site with no qualification. 4- report only provided positive advice, said majority of samples analysed were granular and straightforward to use in civil works. Wording of report. In my respectful submission to note Mr MacKenzie criticism of project without any attempt at candour, investigation attempt he was involve on, he visited site and raised no issue on matters he goes to challenge now. Say it goes directly to weight should be given to submissions.

Commissioner McParland – Mr Mackenzie anything you wish to say?

On behalf of PILSNI- Public Local Inquiry into Dalradian goldmining proposals

Mr MacKenzie – Most of said correct. I haven't personally been myself – sieve analysis was completed for tests of hole we did but only did small number didn't complete Access not available after 1st day so work was cancelled. We reported granular samples over ½ could be used. Unsaid thing, rest of samples weren't suitable to be used.

Commissioner McParland – Based on lab analysis?

Mr MacKenzie – Yes at QUB.

Commissioner McParland – Duty of candour to inquiry, do you not think declared?

Mr MacKenzie – Declared to Save Our Sperrins.

Commissioner McParland – Did you not think duty of candour to us?

Mr MacKenzie – Not sure of legal

Commissioner McParland – SOS legal advised?

Mr MacKenzie– They knew of my previous involvement

Mr Niall McAleer, SOS – We were aware he had been involved with App 7 yrs ago, our understanding was that findings of that weren't included in reports before us. We approached Mr MacKenzie prior to see if willing to assist and he was and declared that

Commissioner McKeary – Do you not think of value to us Mr McAleer?

Ms Mary Brolly, Solicitor, Brolly Jameson Solicitors, instructed for SOS – Wasn't aware of the connection and his services were secured through previous engineer

Commissioner McParland – He did say he had made SOS aware of app said, he did or didn't – if he did – why not doc?

Ms Brolly – I appreciate that, Save Our Sperrins information limited, historic involvement and no reliance on works carried out. We do apologize to commissioners and if available would have brought to our attention. Grateful for opportunity to clarify.

Commissioner McParland – Involved to carry out sieve testings which found over half of samples suitable but couldn't fulfil contract, agreement as couldn't get back on site?

Mr MacKenzie - Yes extent of work.

Commissioner McParland – Mr Beattie said you said yday 40/50 samples better than 2 samples but Mr Beattie has said his firm –

Mr Beattie – Let me get you for completeness. Firm involved, provided with bore hole reference 0.1,0.1a- samples inspected at 1m, 1.5, 6m, ,0.2..., 0.5 – 4..... Describes BH samples.. and trial put data...

On behalf of PILSNI- Public Local Inquiry into Dalradian goldmining proposals

Commissioner McParland – In relation to tests done they found just over half suitable?

Mr Beattie – Not a scintilla of that appears in report or emails, report is 45 pg long, no such observation made or in emails, can't game say what saying as not in evidence produced to Dalradian. He is not being candid, incident on site which caused difficulty. I note what Ms Brolly has said and accept what she has said, doesn't get Mr Mac out of this – a case called National Justice Compania v Prudential Assurance [1993] 2 Lloyds Report 98, Cresswell, para 80-82 – Appeal [1995] Reefer – duty is on him. In summary expert evidence should appear to be independent of expert uninfluenced by litigation, expert should provide independent assistance, should state facts or assumptions on which based, should not omit.... If considers not enough information available, should say so. He hasn't done that – after exchange of reports he changes view on matter, he should change. Absolute professional duty rests with Mr MacKenzie.

Commissioner McParland – 3rd parties asking for reference number

Mr Beattie- 1993 2 Lloyd's reports 98, para 81-82, appealed but only on the facts

Mr Tracey, 3rd Party objectors - Raised issue about Golder conflict of interest.

Mr Tracey, 3rd Party objectors – Raised issue about companies who had previously worked. Opportunity for Applicant's experts to declare. Stating for the record, it is recorded that we requested.

Commissioner McParland – Dr Emerman?

Dr Emerman– Could I raise some questions about presentation this morning?

Commissioner McParland – Rebut it, if you wish.

Dr Emerman – Have 6 categories of questions. 1 – Filter tailings can be compacted. Don't see relevance of 82% of max density. Don't see how info taken into account in stability analysis. Q from yesterday what if filter tailings greater than 19% that cannot be properly compacted. Don't see how concern addressed yet. 2 – trouble reconciling message from yesterday v today. Yesterday site specific measures of materials, industry values used. Today, site specific measurements used but what used in stability analysis. Confused on this point. 3 area of concern – still don't understand where tailings geometric parameters are coming from. 4th – how high would water have to raise to bring it above safety. When will that occur when water table is so high and filter tailing stack is unstable. Water table can rise to top and all could be saturated. 5 – it was stated that Canadian damn association has most stringent factors of safety in the world, its not correct, just typical standards of safety. Still confused on reliance of Canadian damn association and where reliance is coming from, last point – have to refer to diagram, TR 22 line waste management. Figure 2 pdf 18. Trapezoidal shapes, referred to as byrnes, stability of this has not been discussed. If you look at diagram important feature, byrnes dyke underlain by filter tailing. Concern if filter tailings undergo liquefaction what will happen to that dyke will it slide over liquified tailings. Type of construction, upstream construction method when dykes on top of tailings which is illegal in many countries, understand legal in UK. Illegal in Chile since 1970, equador, Brazil. This method of

construction also denounced by mining industry in 2023. In 2 volumes that came down in that year. This method of construction denounced in those 2 handbooks.

Commissioner McParland – Not in evidence

Dr Emerton – Ok, is this sufficiently cautionary that is – how has any of this been considered in stability analysis?

Mr Martin Tracey – Doesn't seem to be any permission for bore holes and trenching

Commissioner McParland – That is out with my issues.

Mr Martin Tracey – Why submitting evidence if not obtained through correct process..?

Ends just prior to 1pm.

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.