

04.08.26

Afternoon session

Dark Skies

- Attendance
 - ☐ Marella Fyffe (Save our Sperrins)
 - ☐ Niall McAleer (Save our Sperrins)
 - ☐ Mary Brolly (Solicitor)
 - ☐ Fidelma O’Kane (Save our Sperrins)
 - Communities Against Mining and Independent 3rd Party Objectors)
 - ☐ Martin Tracey
 - ☐ Sean Tracey
 - ☐ Michael Conway
 - ☐ Raymond Dennehy
 - DfI
 - ☐ Julie Ellison BL
 - ☐ Barney McKay BL
 - ☐ Ms Layton
 - ☐ Mr Cromie (tomorrow only)
 - NIEA, DAERA
 - ☐ Neil McAllister
 - ☐ Liz Smith
 - Planning Dept Mid (MUDC)
 - ☐ Lorraine Moon
 - ☐ Emma McCullagh
 - Applicant/ Dalradian Gold
 - ☐ Scott Lyness KC
 - ☐ Dominic Meyrick (Hoare Lee)
 - ☐ Mr Gordon (planning expert)
 - NIE
 - ☐ William Orbinson KC instructed by Carson McDowell
 - ☐ Allister McKinley Tetretek (may be called)
 - FODC
 - ☐ Conor Fegan BL
 - ☐ Patrica Brock (consultant - Aecom)
 - ☐ Paul McDermot (lead planner with council)
 - 3rd party supporters
 - ☐ Mark Hanvey (Gravis Planning)
 - ☐ Michael Long (Gravis Planning)
 - ☐ Gerry Kelly
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- Omagh/ Strabane – have your issues been dealt with?

- No – main issue is sky glow,
 - Light impact considered under assessment by applicant
- Panel – 3 – 5km distances have impact of light
 - Fegan – yes. Will ask witness to deal with it.
- Brock
 - 2 different things – subjective v objective response
 - This morning = technical, there is a cross over.
 - Perception of light – this will be subjective, not picked up in technical study. But this will create more variable impression of what's happening.
 - Re dark sky there can be impact – 20 – 30km from an installation. Therefore, management of skyglow will be important not just overhead but for horizon glow. It is a concern, other dark sky places have to manage/ co-ordinate with adjoining areas and it can impact the quality of the night sky.
 - Associated concern is that sky will only be present under certain weather conditions – but can be perceived many kilometres away.
 - Where work is taking place, generating disturbance incl. dirt might increase particulates in the air which may affect the perception of light.
 - In reference to weather conditions – can be transient in nature but with work 365/7/24 – there must be some flexibility of how things moves within the site. There needs to be consideration of the particulates in the air.
 - Based on quantitative - no overall site plans, other elements of missing information –
 - Response – impacts on dark sky at [davos?] forest But no more detail to be added.
 - Q for Mid Ulster – contrary to TSM8 re adverse impact on tourism (dark skies) – what's the policy?
 - TSM8 Davet Park asset – planning permission not be granted to development with negative impact on tourism (incl. astro tourism – all tied to dark skies)
 - Q – does it fall outside your area, does PPS16 apply in that council? i.e. tourism assets outside you council.
 - Response – feel impact over flows and it therefore relevant to mid ulster district. It's on the border, but will feel the impact.
 - Panel – querying if it can apply? Deferred to Fermanagh/ Tyrone. But still feel dark skies should be grounds for refusal.
 - Q to DFI – need time to look at. (Half an hour.)
 - Fegan – policy position – must be policy wouldn't apply – into transitional arrangements for the area for which the planning application is being determined. The policy has been superseded, so PPS16 doesn't apply. But the point

doesn't make a difference, policy replicated in SPPS.
Substance of concern would be assessed there and under
TOUO1, planned strategy. Or tourism submissions[?]

- Dark Skied - Referred to 3rd Parties
 - [Sean Clarke – Mid Ulster Councillor] it's only one in Ireland and 1 of 2 in Ire and UK.
 - Assessment is being updated with continuous monitoring to retain designation. Another term is clear sky – has no impact from light. The 20 – 30 km is a significant figure. With a naked eye you can see objects that require a telescope elsewhere.
 - Response from McAleer – Sperrins – installation proposed will directly disrupt this archaeo -astrolonomical relationship. Disconnects ancient features from night vistas they were built to observe. Against cultural heritage of the Sperrins – breaching regional heritage (HED PPS6).
 - MEDC made reference to multiplier from tourism due to 24/7 operation.
 - Damage to local life, 10 – 15 million loss across life of project.
 - Government bodies have invested 2.5 million to build and market dark sky facilities in Davo Park (solar walk, trail networks, observatory) – development will ruin the usage of those.
 - Tourism market contributes; particularly astro tourists – relatively high spending, travelling off peak, etc.
 - 20 year operational life – 15% reduction due to degraded night skies = £300k/yr; multi sector hospitality lost – compounded = £6m direct cashflow lost.
 - Short term commercial extraction can't be allowed to undermine long term council backed growth.
 - Ms Brolly
 - Static only not transient traffic
 - 24hr industry
 - 54meter waste facility
 - Heavy vehicle movement 24/7
 - Applicant failed to prove industrial development within regulatory environment for a dark sky.
 - Mr Sean Tracey
 - Upward flux 1.52 – has it been assessed in a cumulative effect.
 - Modelling gave 22% general reflectance for upward – but no assessment – pale aggregate, conc, snow, ponds, etc.
 - Upward doesn't catch the fact the dark skies are horizontal – how has this been assessed?
 - Diffraction of light due to molecules and aerosols – sky glow is present in clear skies.
 - Mr Mark Tracey
 - Reiterate AONB plan management. Multiple (x4) councils signed up for betterment – doesn't believe it has been taken into consideration, and that the plan has been in operation long

enough. Don't want to lose the designation due to the development.

- DFI
 - Considered point – as Fegan set out – PNC can take concerns into consideration – but not in context of PS16. But can assess impacts on neighbouring council as material considerations.
- McCullough
 - Refusal reason stated – SPPS2 para on safeguarding tourism assets.
 - Dark skies park is accredited annually and assessment is ongoing.
- Fegan
 - Picking up on 3rd parties referring to council for comment
 - 2 substantive mentions Pg 9 of report – contributing to landscaping character – and how it sits within the tourism.
- Lyness
 - Meyrick – more detail, but
 - Didn't read technical report to raise any issues with sky glow, re any calc. didn't understand Aecom work to raise any issues.
 - Not clear how even landscape is raising any issues on dark skies
 - Pg 12 para 4.1 (FODC main rebuttal appendix) points about updated elements on lighting – acknowledgment of some upward lighting contributing to sky glow. Doesn't fairly reflect what should be drawn from that work.
 - Neither in technical or landscaping did Dal understand any issue to be raised.
 - Panel – even if not – where it has been raised...
 - Yes, but if no technical issues between the parties on dark skies – that should be taken account of.
 - Mr Tracey raised points but not sure of sources of the information but Mr Meyrick will address.
- Meyrick
 - Upward Flux ratio – Pg 9 of T8 App 1 – lighting guidance and standards – taken from GEN 01 reducing light pollution.
 - Diagram trying to explain how sky glow might work from a light fitting. 0 – 85 degrees – goes down not up. Tilting or upwards lift component – to horizon – these are major contributions to sky glow.
 - Table 3.4 – see top line – 100 – 180 sky glow is 'local' – debate about what that means. There is potential to be seen over vast distances if fitted incorrectly or incorrect fitting used. BUT max height of any fitting is 8m. So 8m locally but 10km away that fitting will be imperceptible.
 - Query – what about cumulative? – said NO difference, LEDs allowed better control to ensure glare effect is countered. This is now 'not a problem'. With internal louvres/ baffles low and tight to the site – the studies who zero spill.

- Assessment in T8 App3 in every single location A – C survey locations do not increase. Difficult to believe but it is the case. From a distance – ‘it is not true’ that people will be able to see the fittings.
 - Upwards flux ratio – not in the statement of case – but merely relying on it as a statement of fact for the things about to be said.
 - Talks about sky glow creation – table (next to 3.4)
 - Can’t talk about the qualitative only quantitative
 - Magnitude of 10 less than direct light ratio of anything going up into sky dome where it is dissipated.
 - None of the discussed cloud etc. will impact ability to see skies.
 - Dal have ensured there is no direct...
 - Query about dark sky measurement
 - SQM (sky quality meter) measures 160 degrees in same way light being dissipated upwards over 160 degrees. So no impact from the DAL development.
- Mr Tracey –
 - SQM – how often was it used and were conditions optimal?
 - What is the height of the sky dome?
- Ms O’Kane
 - 24hr lighting around the site, traffic, staff commuting, etc – but there will be no impact and not visible?
 - Barbar Ward – lives across valley from site in breach of planning.
 - Football match in Greencastle is seen but is turned off after a couple of hours.
 - How can this level of activity not been seen or even visible?
 - The plan fails to respect plan and contradicts the stated objectives.
 - Fermanagh, Causeway Coast and Glens, Derry and Strabane and Omagh – it hasn’t had a plan before because it cuts across boundaries.
- Meyrick – on the point of the lights at Greencastle
 - Need to be aware of localised lighting – TR8 App1 Pg 31 – see lighting in training pitches at GAA. So in answer to point raised – these fittings are terrible – pointing to sky, no glare control, and unsurprising they can be seen for miles, installed in a slap dash manner – causing considerable sky glow. Appreciate only on certain times of the year – but the designed scheme will be nothing like that.
- AONB
 - Zone E1 – Panel Question to Council
 - Fegan – LVIA views – only LVIA can comment not a lighting expert.
 - Both questions will be pushed forward to landscaping.
 - Returning to Fegan – gap in providing design information relying on assumptions – distances between site and human receptor; tech v

nighttime montages... have these been responded to (taken from council's submissions)

- Fegan – council doesn't have any.
 - Environmental health is not pursuing on basis on impact on human receptors.
 - Was it being assessed cumulatively? Ms Brock believes there is now sufficient information to assess.
 - Otherwise, an LVIA point
- Quantitative findings – not about receptors just bats – being perceptible or evident – doesn't describe the lighting that will be present at the site?
 - Fegan – mix of views in human receptors
 - Environmental = human receptors – lighting not sufficient
 - Thinks it an LVIA point.
- Debate about remaining questions re lighting being more appropriately dealt with by the landscaping experts.
- Ms O'Kane – sensible perceptors – while environmental may not be concerned there are issues to raise
 - Wasn't in the statement of case
 - McParland - Or original objections
 - Transboundary submission – could raise issues
 - McParland – no new information, any further issues by way of objections – write to the department
 - O'Kane –
 - Commissioner – all questions from submissions – so no questions on it.
 - Ability to respond orally – transboundary issue only – so read and respond to that. Not to re-open other.
 - O'Kane reverted to Tailte reference and having to use black out blinds and ongoing deprivation – acute psychological distress. Report reference offered. Was connected to submissions.
 - S.63 clean neighbourhoods Act Northern Ireland – light = statutory nuisance where problem for health or nuisance.
 - Dynamic fleet
 - Clear predictable light spill on to residential
 - Commissioner pointed out that Council was the body – and had raised no issues on this point
 - Ms O'Kane – pointed out the council would be dealing with the complaints
 - HRA 1998 – unlawful to act in a manner incompatible with a right
 - Art. 8 right to private life and home – severe environmental pollution including light – deprives individual to peaceful enjoyment of home. I.e. vehicle beam lights, road is not flat/consistent and will add to disturbance. Case law previously raised re Art 8.
 - Art 1 of protocol 1 – protection of property – peaceful enjoyment of land and property – extreme light spill directly

causes diminution in property enjoyment. Disproportionate burden for corporate gain.

- Martin Tracey
 - Transboundary –
 - Commissioner – comments have to be made orally.
 - No concession for sickness
 - HSE representation to lighting, particularly re explosives – can this be identified?
 - [front table, middle row – woman commented] They were comment on workers not on the lighting.
 - Assuming for future – licence granters for the explosives – have PSNI etc. been
 - Debate about statutory consultees...
- Sean Tracey
 - Point out HSE have guidance on lighting – outdoors working areas;
 - Transition towers, large storage tanks, etc. are above 8m – how can safe work conditions be met if 8m is the limit where work areas suffer from that.
 - HSE&I – commissioner raised query were these queries in the submissions – more debate.
 - Statement EIA no method to assessment so bespoke influenced by the DMRB LA104 in applicants document – but what about ILP PL G04?
 - Design manual for road and bridges DMRB LA 104
 - All residential receptors assigned low – seems a tailored approach to assessment, based on roads and bridges,
 - However, why was ILP PL G04 not used for assessment.
 - Nothing explaining use of methodology bespoke form.
 - Nothing to explain why rural dark residential – why designated ‘low sensitivity’?
 - Statements of ‘no spill or glare’ cannot be absolute
 - Have they taken account of the winter time daylight/nighttime and where is the evidence of taking account of this?
- Lyness
 - John Tracey
 - All new evidence – no objection to lighting at all in original information produced
 - Meyrick will deal with in more detail
 - DMRB guidance sets familiar structure, relied on in relation to other topics also.
 - PLG 04 has been taken into account i.e. TR8 App1 PDF Pg 3 para 1.1.8 (Meyrick to explain)

- And to deal with platforms
- Mr Barrony to set out position
- Ms O’Kane – statutory nuisance, separate statutory control – evidence it doesn’t arise as no light spill
- App 1 to Rebuttal – deals with human rights Pg 28 – 39 para x – x; and 122 – 128 – comes nowhere near Art. 8
- Meyrick
 - PLG04 has a table – address significant affect – but with no thresholds. Thresholds are in GL01 tables TR8 App1 Pg 7 – 10. (Tables 3.2 – 3.6 show numerical values not to exceed in environmental zones.) Question is: if there’s a prescriptive table in updated guidance in 2021, how to understand effect on receptor should condition change from baseline condition.) See Pg 15, table 1.2 – % given, only thing lifted from the guidance – a number in baseline survey – then this is the magnitude of effect to take into consideration.
 - Tables T8 App3 Pg 17 – 20; results of modelling at all receptor locations from A – C. Orange column increases in horizontal and vertical illuminances – there is no increase at all in any location.
 - Move to human receptors T8 App3 Pg 21 – shows 14 domestic dwellings closest assessed – table 1.6 – shows impact of potential light – zeros.
 - Work Platform – TR8 App 2 Pg 1 – diagram = colours relate to lighting levels for workers on site. All areas to be accessed have been illuminated BENxxx (outdoor working code) and LG another code.
 - Stockpile (blue circle) = light fittings going away from blue circle. Detail at Pg 5 – fittings along a gantry towards the stockpile. The fittings are the only lighting on the conveyor. The only area that requires lighting for access to the gantry for maintenance, at 2m high, incredible controlled to minimise/avoid light escape.
 - On a site like this with danger due to operational lighting failure, there will be generators on site in case of power failure to return to 100%.
- Borrony (Dal)
 - Human rights and xxxx [*inaudible*] points
 - Potential hazard – no credible, no light spill, no exposure, no risk to health, no potential breach of HR on that basis – probably why no public health issue raised with lighting. At most there might be a H&S re shift workers – but inherently addressed through design.
- Mr Tracey –
 - Raised platforms 11metres high – question not addressed.
 - Dark at 4am here in winter

- McParland query to Meyrick – gantry moves, lights are fixed to gantry and move with it. Conveyor belt is dealt with within.
- McParland reiterated – what height are they from the ground?? And are they included in the assessment?
 - Meyrick – height set at 2 metres, fitted within the model – fitting raises with the gantry in height.
 - Pg 2 of Submission – bottom line at fitting ref EX7 – fitting faces towards gantry away from landscape.
 - DAL indicated height of fitting – but it raises!!
 - McParland queried is that modelled in the submission
 - Meyrick – no it's not.
 - Commissioner – Applicant did address to allow inclusion in report even if response not sufficient.
- Conditions tomorrow – Lyness request to submit document – nothing to do with lighting but with submissions weeks in advance
 - Water framework issued 20 May 2026 – impossible to appear prior to that. Relevant to mining sector. Legislation applicable in Northern Ireland.
- NIEA - Request for notice of what paragraphs Applicant intends to rely on.
- Council (Fegan) – same position as NIEA.
 - “Commission notice, guidance for implementation for water framework directive during the permitting of new projects and existing activities with a particular focus on the mining sector” dated 26 May 2026 reference C/2026/2836.
- Lyness to confirm tomorrow the elements to be relied on.

Disclaimer:

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