

05.08.2026

Lighting (cont.)

- 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 McDertmot (lead planner with council)
- 3rd party supporters
 - ☐ Mark Hanvey (Gravis Planning)
 - ☐ Michael Long (Gravis Planning)
 - ☐ Gerry Kelly

Mr Lyness – 18 Pg document, Pages 1 and 2 for context (no paragraph nrs)
Q1 on Pg

Q4 on Pg 7

Q5 on Pg 8

- Mr Fegan/ NIEA/ PFI response – no objection to admission of the document on that basis.
- Ms O’Kane – only guidance, more applicable to minerals. Final position has no objection.
- Mr Tracey – is there a specific reason for inclusion?
 - McParland – recent and couldn’t have been relied on.
 - Mr Tracey asked for reason for it to be submitted? Discussion about previous submissions procedural.
 - McParland – the bar for submission = whether or not it could have been submitted, is there justification for it needing to be submitted.
 - S.19 seeking to introduce new information – relevant issues, couldn’t have been dealt with.
 - Mr Tracey – no objection not having seen the document.
 - Query about oral evidence not being in written evidence – is that then not taken into account?
 - McParland/Commissioner – ‘if there’s something said in rebutting applicant – then of course it will be taken into consideration’. ‘The evidence before the enquiry is the written and oral evidence.’
- Lyness – lighting wasn’t an objection in written submissions – raised for the Commission to determine whether it should be considered or the weight to be given to it.

Commissions’ Questions for the Parties

- Q – [*inaudible*]
 - Mr Fegan – the commission’s question is capable of being dealt with by ‘conditions’. With fleshing out in that document.
- Q – lack consistency between mitigation sets and concern the information didn’t line up – has this been addressed?
 - Mr Fegan – evolution of lighting documents, scheme developed, documents superseding. Slightly different lighting recommendation i.e. ecology. Council’s position is an operational lighting plan should be reconciled at this stage due to the range of documents and the differences.
- Q – are you satisfied that that can be conditioned for agreement after approval when there has to be a test on a species? Perhaps better addressed in ecology.
 - Mr Fegan – ecology question. Believe the plan is commonplace, that the assessment has been done and can be dealt with in conditions.
 - Mc Parland – better to pick up in ecology.
- Q – visual effects – light colour – doesn’t align with assumptions and can result in different findings – does council stand by prior comments?
 - Mr Fegan – 2,700 confirmed yesterday but issue raised about what was in the documents. Fegan states it should be in an operational management plan, there was concern across the documents with the uncertainty. The

relatively detailed matters the council believes should be capable of being dealt with under a discharge position.

Other Parties on mitigation offered by Applicant

- Mr Tracey – having identified so many inconsistencies – 6 – 7 inconsistencies identified. Files by manufacturer at 3,000 not the 2,700.
 - Excessive Maxima, 107 lux at port of laydown, 85 operations area, 79 stockpile walkway.
 - No evidence or output from 3D modelling claimed to be done. Only evidence in 2D horizontal.
 - What are we conditioning against given the failure to provide native files of the documents supporting the final proposal before any mitigation is considered.
- Ms Brolly – reliability as mentioned by Mr Tracey – mitigation that 3rd Parties have little confidence in Applicant offers of mitigations based on variations from what has been put forward in writing. Does Commission wish to hear about mitigations?
 - Commission – not yet.

Mr Lyness

- 2700 –
 - Q commission is it consistently referred to?
 - No – 2700 should be the reference and that is what was modelled, and should be picked up as final approval of details.
- Mr Tracey's evidence –
 - Information before enquiry already reviewed yesterday
 - Otherwise none of this makes any difference to the information/evidence of Mr Merrick.

Mr Merrick

- Lux – is a v difficult thing to grapple with when discussing ability to see light.
- Variation in lighting level - TR8 App2 Pg2 – top left of drwg – turning area for vehicles.
- 2700 kelvin – no change in performance of fitting in terms of lumen/light output. The reason is that it makes a difference to the colour but not in quantitative numbers (lux).

Mr Tracey

- The impact on human and animal receptors is the point not the numbers – difference in colours can impact the intrusive, detrimental, etc. effects and must adhere to the cautionary principle as much as possible here.

DFI

- Can this be adequately provided for in plan and dealt with by condition?
 - DFI – it is for the Commission to make recommendations on how it would be secured within any conditions.
- Commission seeking competent authority (DFI and Council) to state whether they are happy that these things will occur and be implemented.
 - Dept to take environmental health as to whether the conditions are sufficient.

- Before any final determination is made (response to Ms Brolly).
- Q from Ms Brolly whether that advice has already been sought?
 - McParland repeated – conclusion was that DFI will seek advice in future

Mc Aleer

- Directing lights downwards –
 - even if 100% downward – on reflective circumstances (Commission confirmed that was dealt with by Mr Tracey yesterday)
 - complying with statutory obligations will introduce an urban environment into
- notes matters delayed to ecology element
- the boundary mitigations (infrared and passive things) does nothing to mitigate the main area operating at full operability 365/24/7
- no mitigations for transit operations (trucks, staff, etc. travelling to/from site)

Mr Tracey

- No mitigation should be moved on until a full and rigorous clarification on issues raised by 3rd party objectors.
- Council saying now there are no issues.
- Query about Water Framework – McParland confirmed it can be dealt with and address on the Water Days.

Mr Fegan

- Challenged Mr Tracey's comments about Council position.
- Question in mitigation – can we impose conditions to ensure parameters from assessment can be implemented and controlled.
- Entirely different to yesterday's discussion on skyglow
- Dealing with additional matters does not affect the concerns raised yesterday which will be carried through to other discussions.

Mr Lyness

- Re Ms Brolly – mitigation measures secured though [SEMP v.2019] App B2 of ES PG 54 – 55 table 6.2 – applied at construction stage i.e. use of headlights.

Mr Merrick

- H&S perspective required site lighting
- Internal operational lighting – industry is struggling with it. All structure are solid with no windows so no spill light.
- Commission directed clarifications to Dr Gordon – windows in admin building.
- Those windows are so minimal as to not be relevant to modelling and industry isn't at a point of allowing that modelling to take place.

Commission

- Industry can't model but in closing submissions. Entirely contradictory information.
- Query – Dr Gordon to confirm nr of windows

- Query to Mr Lyness – traffic lighting references to be provided:
 - Mr Lyness:
 - 2017 LVIA AppC 16 vol para 5.9 PDF Pg 25
 - 2017 LVIA AppC 16 vol PDF Pg64
 - 2017 LVIA AppC 16 vol Viewpoint 1 PDF Pg 80
 - Repeats through each Viewpoint (9nr viewpoints)
 - Operational Traffic is taken into account in the residential viewpoints
 - 2017 LVIA AppC 16 vol Pg103 resi group E (starts from Pg 101 on)
 - Routes, incl. cycle routes 2017 LVIA AppC 16 vol Pg 115
 - Description of traffic is found within each judgment where relevant.
 - General judgement didn't change with updated/ new viewing material.
 - Nighttime – Viewpoint 5 and 10 added –
 - Viewpoint 5 - ?
 - Viewpoint 10 – PDF Pg 94 on
- Query – is that the complete set of references to traffic?
 - Mr Lyness - There may be some others confirmed, not so many viewpoints.
 - PDF59 para 1.5.1 – 1.5.3, Pg79 para 2.1.8 – 2.2.3 and 2.5.4 and 2.5.7
 - Nighttime – RR13 Pgs 75 and 107
 - At FAI 2 stage – new images produced – checking for further references.
 - Generally, to commentary summarises judgements and confirms no changes to original text (Pg 9 – 10 AppC Addendum 16)
 - Mr Lyness – not to constrain expert to those limited references.
- Query back to Dr Gordon (commitment to shutters being used in hours of darkness)
 - Drwg admin and dry building, C35-15-527 Rev A (2020) confirmed 5 internal elevation,
 - 2 in the gables on another drwg,
 - another 5 on assay elevation – drwg C3515 S28 (2020)

Mr McAleer

- omission of internal lighting in an AONB is staggering
- no information on open periods for roller shutters, will be used through the night – will be a source of significant light.
- Amount of traffic and operational equipment – and that is not considered at this point.
 - Committee – has sought references
- Mr Merrick certainty about light spill relates only to the fixed lighting the rest is unknown.

Sean Tracey

- Need section by section gap analysis – can't say full guidance otherwise we don't know. Significant new information added.
- [SEMP] 2019 – generic mitigation, doesn't provide reproducible construction phasing lighting, e.g. cranes and elevated plant, etc. 2-year period; concrete operations will require floodlights – no assessment. 2025 shadow HRA – future final [SEMP].
- Need to assess cumulative impact – re SEMP. No assessment of this.
- Avoiding night work visible to receptors 'when practical' – back to curfews issue. But also acknowledge it will be visible – in trying to limit. Provokes need for curfew.
- Assessment is lacking on every front and how do you mitigate against the unknown.

M Tracey

- App witness – didn't allow for windows – GN 01 – glazed buildings illuminate the exterior – leaves a fundamental gap in environmental information – if not considered now could it have been considered under the EIR. If not assessed they could have a massive impact.

Ms Brolly

- Gaps and deficiencies in the modelling – claims of no higher lights, today – no windows, no knowledge of interior lighting and didn't take account of that.
 - No reliable modelling before the commission to scrutinise in consideration of this application.
 - 3rd party objectors have no faith – no reliable baseline, the modelling is reliable or any mitigations.

Dr Gordon

- Mine rescue building C35-15-S23 (2020) 4 windows
- Warehouse C35-15-S22 RevA (2020) 2 windows

Mr Lyness

- Mr McAleer – crit of Merrick –
 - unsurprising – supposed to deal with fixed lighting
 - still no light spill from site
 - in any event – shuttering can be applied and controlled through implementation
- Mr S Tracey – SEMP
 - To be dealt with in other areas
 - No reason mitigation of construction stage not under conditions
 - Hrs of work will influence judgements in LVIA – daytime 7-7 for surface operations
- Mr M Tracey
 - Entirely reject (and Ms Brolly)
 - No need for LIA to address internal lighting and shuttering is appropriate for a scheme of this nature.

Post Construction

- Not clear post validation required – ensuring proposals are delivered and imposed
- Should be condition required post construction validation

Any detail provided ensuring that?

- Mr Fegan – no detail on that, applicant assertions it is achievable

Lighting post operation separate;

- Linguistic - present and substance can be dealt with by condition.

Mr Tracey

- Employ an independent expert to assess the full of the information and its application through the works.
- Commissioner clarified - Only mentioned in management plan or conditions; it's a check.

Mr Tracey

- Raised precautionary principle – is there an independent – Commission confirmed DFI to enforcing body and have indicated they would defer to Council.
- None of these developments in Ire, UK or Western Europe.
- Commission has included a section dealing with 3rd parties' issues with DFI in enforcement.

Mr Lyness

- No issue with post construction validation and how it can be dealt with can be addressed later/ in another section.

Commission

- 3 conditions
 - Query to DFI – conditions as drafted (framed on Envir health) have no plans to amend but will review based on Commissions recommendations. Further landscaping issues may inform this.
 - Mr Fegan – environmental health and Aecom - EH 006 – 008 – nr of updates based on advice and matters discussed.
 - EH 006 – construction lighting – usually all in SEMP v separate construction lighting plan. SEMP will need significant expansion. Needs to be considered holistically in one SEMP, easier for enforcement.
 - Commission – does SEMP need to meet standards of conditions? Re language and enforceability.
 - Would have to be carefully drafted – clear and could be enforced.
 - Leave with DFI as to preference within one document or across as discharging authority.
 - Mr Lyness – agree with Fegan
 - Single SEMP is appropriate

- Securing construction lighting – add to list of plans included in draft SEMP conditions.
- Suggest addition of paragraph – and as a result EH 006 would fall away entirely.
- 3rd Parties
 - Ms Brolly – matter of SEMP being tied into condition – so still enforceable.
 - Commission - Pg 6 ecology – expanded to include lighting. Suggestion that EH 006 be merged into SEMP – so it would be a condition.
 - Detailed scheme submitted in advance with details of temporary construction lighting – re ongoing monitoring – any scheme to be independently assessed with community input.
 - Commission managing expectation about what conditions can provide – monitoring of technical matter by 3rd parties is not appropriate – reverting to previously discussed understanding of conditions and implementation.
 - Dark Sky funding = potentially s.76; potentially to be used for independent monitoring. Annual monitoring reports by approved lighting specialist re peatland, stream, ecological pathways, 0% upward light, not to prejudice dark skies accreditation, timeframes for remedial action where exceedance of any limits or unacceptable ecological impacts.
 - Concerns around improving enforceability
 - Mr S Tracey – EH 006
 - Nr of hard standings in drwg for the duration of construction period outside understanding of ‘temporary’ and will require lighting. Should not be under SEMP but require full lighting assessment. One example has residential house less than 100m.
 - Commission confirmed 2 years is temporary in planning terms.
 - Issues around traffic safety and family homes for the duration of 2 years.
 - Mr M Tracey – temp lighting issue
 - Hardstanding areas there will be permanent lighting to replace it – is this considered?
 - 2 years temp is unlikely to be enough given the risk of disruption from protests etc. and other delays to their programme for works.
 - Commissioner referred to precautionary principle. But can only consider in the context of the planning application.
 - Mr McAleer – hrs of operation
 - Document yet to be finalised – will hrs be stated
 - Commission stated – yes.
 - In terms of stipulating construction traffic use mitigation on beams – to be raised in landscaping days.

Further Comments

- Mr Fegan – discharge of condition process
 - Will be assessment required at discharge stage
 - DFI to satisfy itself it is appropriate

- Commission query failure –
 - Mr Fegan couldn't proceed without lights
 - SEMP to be pre condition – if not agreed, couldn't start.
 - DFI strategic planning – discharge on portal permits comments from 3rd parties could be filtered in.
 - DFI could provide assurance or undertaking where important documents are being dealt with that they are made available on public portal – but it's a matter for DFI. Currently documents are listed on public portal.
- Mr Lyness – EH 006 merged into condition
 - EH 006 should fall away not be merged. List of plans to be included in the SEMP.
 - Re Ms Brolly monitoring dark skies and funding – don't accept any need for funding for this; as to monitoring – if a validation aspect is required that should be sufficient.

EH 007 Condition – leave to landscape

- Mr Lyness – maybe suggestions to improve
- Mr Fegan – original said we need an updated plan; proposal would shift to need to produce updated lighting plan in accordance with App 2. These discussions need to be reflected.
 - Commission sought updated wording
 - *'Prior to the installation of any operational lighting on the site an updated lighting plan shall be submitted and agreed in writing to the planning authority. This should be in accordance with the lighting layouts contained in Appendix 2 document TR8. The [operational] lighting shall be carried out in accordance with that approved plan. That plan to include:*
 - 2700 kelvin restriction,
 - Measures within Ch 10 of the ES (mitigation measures),
 - Dimming details,
 - Shrouded headlights.'
- DFI – if provisions are approved by Environmental Health – they've nothing further to add.
- 3rd Parties
 - Mr Tracey – can dark skies/ SQM be introduced with remediation where the limits are exceeded.
 - Commission – dark skies not addressed in lighting plan. But it would fall within the monitoring.
 - Fegan – don't see reasonableness of monitoring.
 - Mr Tracey – why no monitoring
 - Commission – Applicant doesn't accept need for monitoring. But note that Mr Tracey maintains monitoring is required to protect Dark Skies and AONB
 - Ms O'Kane –
 - Dalradian must fund and maintain lux meters along boundaries (residences, sports facilities, etc.) – must stream data from this

network to publicly accessible Council dashboard. Should any exceedance for 300 second of .1 lux – must isolate power and extinguish sector.

- S.76 planning agreement must be entered by applicant – escrow fund. Any breach of 0.1 lux threshold – shall invoke mandatory civil penalty per violation day. Penalty to be transferred to Dark Skies fund.
 - Commission stated again limits of Conditions and inability/ limitations on ability to sanction. Full new conditions should have been provided in statement of case. This is creation of conditions on the hoof. Not the remit of the enquiry. Legislation does not extend to fining people for breaches. Commission asked that SOS carefully consider the SPPS.
 - McParland – adequate notice and justification re para 18 of procedures – done before the stage of address Conditions.
 - Fegan sought clarification – for condition sessions – could have print outs of alternatives in similar situations where tweaks are required
 - McParland – that would be helpful. Statutory consultees – beneficial, in writing, so all incl. 3rd parties.
 - Commissioner – today evolved quickly leading to today's suggested wording – differs from broader proposals of conditions.
- Ms O'Kane - Intended to orally respond to what was heard.
- Ms Brolly – independent monitoring
 - Based on evidence from Applicant/Expert...
 - Commissioner – monitoring is daily, independent = no experience of that but a condition could potentially do that
 - Dark Skies
 - For the protection and some conditions being proposed are a result of what has been heard and lack of confidence in the expertise.
- Mr McAleer – monitoring
 - Evidence/ information from yesterday/today – App Expert is adamant – justification for condition. This is E1, there should be boundary monitoring (0.1 lux).
 - Commission pointed out same point as Mr Tracey
 - Wording – things to be agreed, etc. Rather a suggestion that a curfew on admin or non-essential works.
 - Shrouded light hoods – prevent horizontal to all security vehicles, etc. Commission confirmed it was included in proposed wording provided by Mr Fegan.
- Mr S Tracey –

- Statement of no spill was for only operational lighting that doesn't cover the SEMP.
 - On monitoring – the point was – degradation of light fitting, bad generator/fuel impact on fitting. Monitoring is necessary due to factors that could affect the performance. Monitoring is a must.
 - Is there a Dark Skies organisation? Should they not be involved. Would DFI consider consulting them?
- Person in the gallery (Josephine Clarke)
 - There is a Dark Sky organisation and OM Dark Sky is signed up to it.
- Mr Lyness
 - Nothing about Dark Skies should be considered under lighting – nothing considered touches on it.
 - Validation – without the need for further monitoring. Any extra condition could relate to maintenance, effectively for the life of operation. Maintenance could be added to the drafting. 'To be retained until decommissioning'. In those circumstances EH 008 may not then be needed.
- Mr Merrick – light spill through construction
 - Environmental Statement – nothing in lighting impact statement relates to construction – just to offer view on it.
 - Construction lighting impact is not included in lighting impact statement.
 - Lighting impact assessments only cover permanent lighting. No reason why construction lighting cannot comply with same stringent guidelines as per GN 01 re sky glow etc.
- Mr Fegan
 - If no reason why can't comply – then should be bullet pointed for the SEMP so it complies with the standards.
 - Many concerns are around lack of assessment at construction stage – so use of SEMP would be useful as App 2 complies with those standards.
- Mr Merrick
 - Clarity – product that is for use at an operational phase could also be used for construction phase.
 - Q from Commission - Do you have any objection to Mr Fegan's suggestion? Yes – you cannot apply same requirements to temporary lighting.
 - McParland – why not, considering the precautionary approach?
 - Will have to think about – off top of my head – site of this nature – all lighting is on 100% of the time – looking at.

- Mr Lyness
 - Moving lights etc was never part of the lighting assessment. Having considered it over lunch – with drafting being looked at – Applicant is open to SEMP related condition making provision for stationary lighting during the construction phase. Meeting standards in sense of achieving standards in operational lighting. Need to think of wording, but aspect of what lighting plan had to achieve during SEMP – conscious of it being a short-term period, considering limited hours in construction context. But open to adding wording regarding stationary lighting. Perhaps leave it open until a landscaping and visual sense as the wording may need to be revised then anyway.
- Mr Fegan
 - Welcome the clarification
 - Before landscape section – Council will also review the wording and circulate updated wording to reflect the discussion for information.
 - Commission – landscape sessions are noted early Sept but it won't start the session.
- Mr S Tracey
 - BS 12464-2 – explicitly considers construction work sites – so it needs to adhere to that.
- Mr M Tracey
 - Full rather than fixed lighting should be reviewed regarding 'temporary status'.
 - Other construction equipment, cranes, different area signage, etc. – should be part of the conditions.
 - Dark Skies organisation – due to individuality of accreditation it has to be taken into account. In the conditions – moving forward – Council should be asking Dark Skies and it should be taken into consideration. And current plan doesn't take the accreditation into account.

EH 08 Condition – noted by Mr Lyness - it may potentially fall away if wording of EH 007 as discussed is implemented. Mr Fegan agreed. DFI – no comment.

- Mr S Tracey –
 - Word Maintenance being applied. Verifying by monitoring. Noting monitoring being shied away from. Monitoring is a must.
- Ms Brolly –
 - Re monitoring – matter of taking account of Dark Skies and taking steps to avoid glare – all is relevant to this. Welcome Applicant's agreement that Construction phase lighting should be encompassed within the assessment.

Validation Conditions

- Mr Fegan – suggested wording
 - *'Within 3 months of any part of the operational lighting being installed on the site a validation report shall be submitted and agreed in writing with the planning authority. This report shall demonstrate that the operational*

lighting installed is strictly in accordance with the details approved under condition EH 007.'

- McParland clarification – when lighting installed that that part is validated – all validated in chunks. Over the two years of construction the installation will be phased. How are you looking to have this managed?
 - Mr Fegan – fair point;
 - Mr Lyness –
 - Commencement or trigger not connected to validation but to use
 - Content to do it on all rolling basis – as operational lighting comes into use it can be validated.
 - McParland – query
 - Envisaging a rolling validation – as per Council – what had been built was as per approved by planning authority.
 - Difference between validation of installation of operation lighting v validation of the operational lighting
 - Validation can take place –
 - Stage 1 - what's been put up in construction can be done (compliance of the fittings etc.)
 - Stage 2 - the validation of the 'installation' can only be done after completion. Effect of lighting can only be done once completed and on.
 - Mr Fegan –
 - to consider and make proposals at later stages
 - Mr Tracey –
 - has this construction lighting – 3, 6, 8, 10 months – in operation alongside the operational lighting been accounted for cumulatively.
 - McParland –
 - validation of fittings spec, height, etc. – not turned on. Once construction completed – then turned on for testing.
 - Mr Lyness – lights only on/off for validation
 - Not switch on operational lighting while the construction/ temporary lighting is on
 - Mr Fegan
 - Need to draft conditions around that to ensure compliance
 - Mr Lyness
 - Further draft based on this provisional discussion
 - Commissioner
 - Both parties must provide wording that convinces the Commission.
 - Mr M Tracey
 - Nothing structurally in place to prevent site work operating operational lighting instead of construction works; also the trades using their own temporary lighting or additional lighting.
 - Mr S Tracey

- Some calc were done on the basis of various mitigations – how is this measured given the timings of the lighting turn on versus the implementation of the suggested/proposed mitigations.
- Mr Lyness
 - Trades on site – secured through SEMP condition approval
 - Dry stack facility – Mr Merrick confirmed – based on assumed site condition at the end of the construction.
- Ms Brolly
 - Re Mr Merrick – is there any impact flowing from the modelling. McParland confirmed no lights around the dry stack.

Additional Condition from Council – covers existing sites – no lighting plan for existing or validation

- Mr Fegan
 - Needs lighting plan for existing sites.
- Commission
 - Specific concerns of Commission in relation to absence of drawings
- Mr Fegan
 - If no conditions imposed there's no
 - If not before us, not assessed
 - But if they want to introduce lights, it would require a plan
- McParland
 - Commission is not processing that application
 - Can take a note of it and incorporate it in a note in the recommendation if that is progressed.
- Mr Lyness
 - In principle not objection to condition over exploration site, as per Fegan.
 - The proposal – 2 emergency lights so would not require consideration. So could be folded into lighting proposal plan.
 - If pursued by the Council the Applicant wouldn't have an issue with that.
- Ms Brolly
 - In respect of development does not have planning permission and we're considering conditions.
 - McParland – retaining it is part of this application. So it has to be considered as part of this.
 - Have great concerns in respect of it, the cumulative effect of any lighting particularly with no plans and no assessment before the Commission. Proper application should be before the Commission - need to hear from DFI in respect of that.
- Mr Tracey
 - 6 – 8 lights on site currently, during winter – whole yard and sheds are lit up. To say there are 2 lights is a concern.
 - There are 2 aspects – down the road and up the hill.
 - Ingress/Egress issue – they have to use the road
 - All of this highlights the need to consider this cumulatively.
 - How can the representations be taken as they fail to reflect reality.
 - The retention of the site should have been taken into consideration.

- Ms Brolly – 2 final points
 - Gantry – applicant minimised submissions – to underside 14.75meters = approx. 15m above ground plus 2m – versus what was being represented to the Commission as 2m low level type lighting.
 - Water Framework Directive – to be dealt with later
- Commission Q back to Applicant
 - Merrick
 - Lights along gantry directed towards stockpile.
 - McParland
 - Talking about spill, glow, etc. but because lights between objects – is not whether they are seen but whether calc of model was set at what height?
 - Referred to close of yesterday’s question
 - Merrick – modelled incl. gantry lights at 19m.
 - McParland – we don’t have that information or the model data to prove. Particularly difficult where the Commission is receiving conflicting answers.
 - Lyness – you’d never have full modelling data in the way the questions are being posed/phrased.

Lighting CLOSED

- McParland
 - Return to Mr Tracey on Water Framework
- Mr Tracey
 - Query – what paragraphs were included.
- McParland
 - Restated the initial references provided this morning by Mr Lyness.
- Ms Brolly
 - Has applicant applied for designation as a strategic project under the EU critical raw minerals act?
 - To assess Framework directive as against that.
- Mr Lyness
 - No, the applicant hasn’t – further submissions can occur in the Water session.
- DFI
 - No input and hasn’t yet read guidance. Agrees with Applicant’s comment about not having applied for designation.

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