

Chloe Duddy

From: [REDACTED]
Sent: 21 January 2020 12:46
To: Local Development Plan
Subject: Submission on LPD
Attachments: PMcH response to DSDC LDP -12.1.2020.docx



Dear Sirs

Please find attached my submission in relation to the Derry Development Plan.

Also, in relation to the HRA/AA under the Habitats Directive I would like to know why this is still at "draft" stage and has not been finalised even though the Development Plan is now at public consultation. As this is a specialised assessment of the possible effects resulting from proposed activities on "protected habitats", it would need to be clear what, if any, effects are anticipated and what, if any, effect will result. A "draft" document can change at any time and by its nature is not the final document, therefore the public are not being consulted on the final documents. So, how can the public make valid assessments and comments in relation to the contents of a document which may then be changed afterwards.

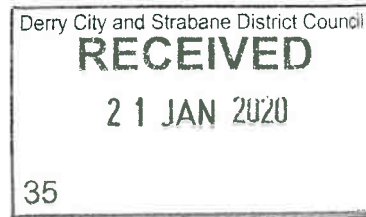
The above comment/submission applies in relation to all draft documents, appraisals and assessments included in this consultation apart from the actual development plan itself which will become final when ratified at the end of the whole process.

Kindly acknowledge receipt of the above submission

Pauline McHenry

Pauline McHenry

Development Plan Team,
Planning Department,
Derry & Strabane District Council,
98 Strand Road,
Derry,
BT48 7NN



Response to Draft Local Development Plan 2030

Dear Sir/Madam.

I would like to state at the outset that I wish to make a representation, with the possibility of an agent attending, to be heard orally at the independent Examination as per paragraph 15 of the PAC document procedures.

Procedural tests

P1 Has the DPD been prepared in accordance with the council's timetable and the Statement of Community Involvement?

P2 Has the council prepared its Preferred Options Paper and taken into account any representations made?

P3 Has the DPD been subject to sustainability appraisal including Strategic Environmental Assessment?

P4 Did the council comply with the regulations on the form and content of its DPD and procedure for preparing the DPD?

Consistency tests

C1 Did the council take account of the Regional Development Strategy?

C2 Did the council take account of its Community Plan?

C3 Did the council take account of policy and guidance issued by the Department?

C4 Has the plan had regard to other relevant plans, policies and strategies relating to the council's district or to any adjoining council's district?

Coherence and effectiveness tests:

CE1 The DPD sets out a coherent strategy from which its policies and allocations logically flow and where cross boundary issues are relevant it is not in conflict with the DPDs of neighbouring councils;

CE2 The strategy, policies and allocations are realistic and appropriate having considered the relevant alternatives and are founded on a robust evidence base;

CE3 There is clear mechanisms for implementation and monitoring;

CE4 It is reasonably flexible to enable it to deal with changing circumstances.

Firstly, I must take issue with the presentation to the public in the course of this public consultation of a "draft" HRA/AA. A HRA/AA must be completed by a "competent authority" in this instance, Shared

Environmental Services (subject to the outcome of an on-going JR – NFU v NIEA?).

*“...shall be subjected to appropriate assessment of its implications for the site in view of the site’s **conservation objectives**. In light of the **conclusions** of the assessment of the implication for the site.....”*

However, a HRA/AA must be completed and finalised expert opinion, in order to be relied upon. The finalisation of the HRA/AA cannot depend on the opinions or otherwise of the public, the councils or indeed the PAC at the IE, but rather must be the professional opinion of the experts who prepare the report (SES) upon which we will rely or challenge by counter expert evidence as the case may be. A HRA/AA cannot be changed or altered by anyone other than the experts and I would state that such changes should only occur if there is a change in the particular threat or potential threat to the environment from activities that are under consideration in the particular HRA/AA.

That being the case, how can the public be asked to consult on a development plan which is under-pinned by a HRA/AA that is merely in draft form and can be changed at any time and in particular, after the close of the consultation period and/or indeed the IE?

I state that this cannot be correct and on that basis I challenge the validity of the whole development plan and its associated documents and assessments, etc., the consultation process and any IE that might be conducted on the basis of a “draft” HRA/AA.

Important Note:

The foregoing comments and objections are being raised in relation to all the other assessments and reports of an expert nature and accompanying this LDP in addition to the HRA/AA

Secondly, I note the statutory period of consultation is 8 weeks. The period of consultation for the Derry & Strabane LDP runs from 2.12.2019 -27.1.2020. Whilst this is technically a period of 8 weeks, it takes no account of the fact that there is a major 2 week national holiday in the middle of that period not to mention weekends when the civic offices are not open to the public and the public are on holiday as well. Furthermore, this LDP is the subject of a totally new process of public scrutiny and Independent Examination. It is accompanied by very significant but lengthy, technical documents of which the lay public would not be sufficiently informed or indeed, trained to assess in any time let alone a short 8 week period, at least 2 of which are taken up with Christmas holidays.

In the light of this very poor timing, which I feel is dis-respectful of the public's right to participate in decision-making and access to information under the Aarhus Convention, I must further object to the total legitimacy of the LDP.

I strongly object to the predetermined structure, format and design of the draft Local Development Plan (LDP) and indeed the criteria tests established for the Soundness Test. This breaks the soundness rules of P1, P2, P3 and P4. The authors of this draft plan have predetermined a

strict framework essentially making sufficient provisions to ensure that mining of precious metals and minerals plus the installation of wind turbines in Derry & Strabane District Council is essentially guaranteed, against the will of the people – the Regional Development Strategy (RDS) does not mention precious metals and minerals which the Mineral Developments Section is largely based around. Rural Proofing effectively has been ignored, or paid lip service, by this LDP and in particular the safeguarding of rural communities. The LDP must be rewritten, all reference to precious metals and minerals removed.

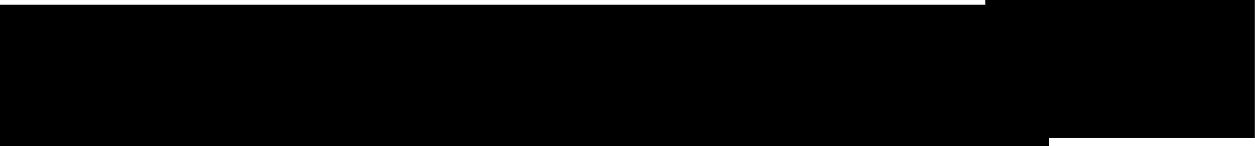

This draft plan has at no point allowed our people the opportunity to choose what we wanted or did not want in our area. The actual designations of Special Countryside Areas, Tourism Opportunity Zones, Areas of Minerals Development, Areas of Constraint on Wind Turbines and high Structures, Tourism Conservation Areas, even Dispersed Rural Community etc., are predetermined and seemingly forged in stone. On what basis of soundness were these areas determined, by whom, based on what criteria and who was consulted, what were the factors considered and for what purposes were these designations formed? These designations must be removed as they merely limit the options and is in strict contradiction to CE4. By creating these designations and then allowing for exclusions DSDC is effectively providing a roadmap to industrialise the DSDC region. Furthermore FODC use entirely different terms, different designations, different elements to for exclusion and different criteria hence by definition this RDS does not meet P4 and C1.

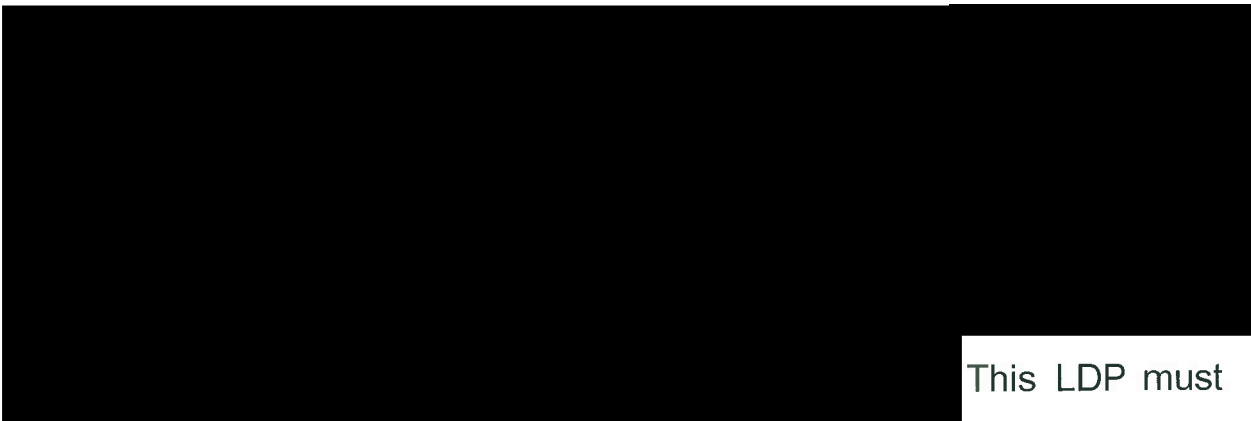
The vast majority of people do not want precious metal & minerals extraction or processing, the installation of more wind turbines, instead

they want The Sperrins to be left intact and indeed, developed sympathetically as a core eco-tourism destination. It is one of the last few remaining natural “wildernesses” in the British Isles and in our current state of climate emergency, it becomes more valuable every day as a carbon “sink”. This is at odds of with the LDP and as a consequence fails P1-4, C1-4 and CE1-4.

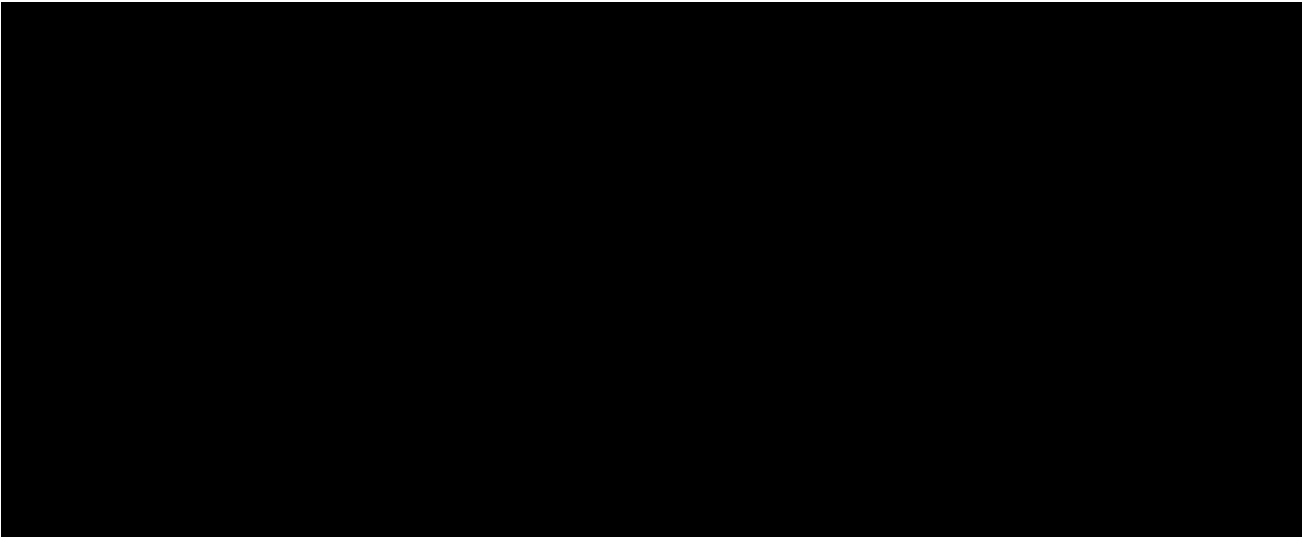
At no point in previous Local Development Plans or RDS was precious metals and minerals even considered. Minerals Development, in terms of sand and aggregates, was considered in a sustainable, manner being sympathetic to the environment. The DSDC has essentially side-lined The Sperrins as an integral element of the tourism strategy, which has the potential to secure our economic livelihoods and our environment for generations to come. The LDP must be rewritten, all reference to precious metals and minerals removed. The DSDC has only experience of Minerals Development – aggregates, sand and gravel. There has never been any precious metal and mineral processing in DSDC, which requires a chemical processing element. This is an entirely more complex process requiring full environmental, health and economic assessments. Please remove any reference to valuable minerals and mining.

The travesty of this draft plan is that by allowing or facilitating the industrialisation of The Sperrins, DSDC are putting at risk the health of our people, aiding the devastation of our environment and fundamentally destroying tourism, agriculture and fishing in this region.

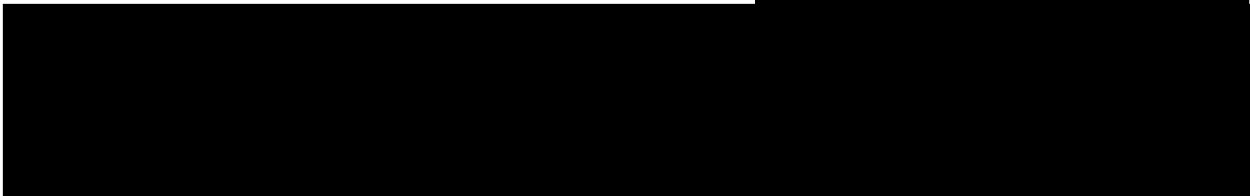




This LDP must place tourism as the core strategy for the entire Council area. It is failing soundness tests P1-4, C1-4 and CE 1-4.



These zones should be removed in the LDP and the entire Sperrins area should seek National Park status, as intended by Alex Attwood in 2012 (failed soundness P1-4,C1-4 and CE1-4). With the proper funding The Sperrins has the potential to become one of the most visited eco-tourism destinations in Ireland.



Failed soundness tests P1-P4, C3, C4 and CE1-2

[REDACTED]

This regional and local development plan has been misinterpreted and contravened the spirit, ethos and direct intent of European Directive 2001/42/EC (SEA Directive). The entire plan fails the Habitats Directive (92/43/EEC) “on the conservation of natural habitats and of wild fauna and flora”. Essentially the Local Development Plan attempts to develop minerals development at the expense of our AONB, Natura 2000 sites, SPAs, SACs and Ramsar Sites. Failed soundness P1-P4, C3, C4 and CE1-2

[REDACTED]

To reiterate, DSDC should now be fully aware of the potential health, environmental and economic consequences of this precious metals and mineral agenda (termed minerals development) and wind turbine strategy [REDACTED]

[REDACTED] The LDP must be rewritten, all reference to precious metals and minerals removed. P1-P4, C34, CE1-2

[REDACTED]

[REDACTED]

This process of dealing with the development plan was extremely complicated for the lay person to participate and engage in. One example of this is the requirement to base our consultation responses on the soundness principle. This is both objectionable and disingenuous as it is the first occasion the Soundness test is being used for public consultation in NI. Interestingly, the legislature saw fit to refrain from defining “soundness” as a result of which we are all clearly operating in the dark to put it mildly. This clearly demonstrates the various obstacles and techniques used to prevent local people from making a submission.

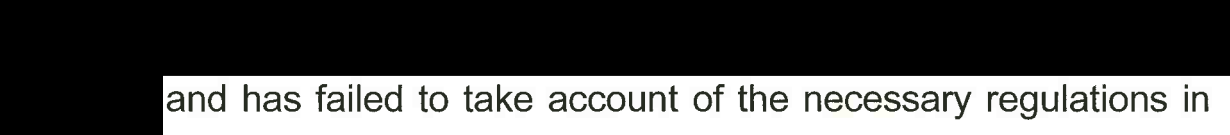
This local Development Plan fundamentally fails of Soundness test C4 and CE1 in respect of the following examples but is not confined to those examples, namely the Precious metals and minerals extraction and processing in the Sperrins including Uranium mining in Fintona area, Diamonds in Clogher Valley, Geological Disposal Facility in The Sperrins to store higher activity radioactive waste including Naturally Occurring Radioactive Materials (NORM), wind turbines in the Sperrins, not to mention the accompanying “battery farms” to store electricity, industrial agriculture on a grand scale, e.g. pig and chicken farms for example and the consequential health effects (Appendix 1), [REDACTED]

[REDACTED] and then larger masts in the rural areas.

This LDP grossly fails to consider trans-boundary and cross-boundary plans despite having detailed in the local development plan C4, CE1 and 2.

It seems that DSDC has unilaterally adopted a precious metal and minerals strategy, and indeed the industrialisation of the Sperrins areas (ANOB – site specific) with total disregard to the local communities, while ignoring the main focus of the Strategic Environment Assessment (SEA) and consequently the related European Legislation, Regional Development Strategy (RDS), 2035, Habitats Regulation Assessment (HRA), and Strategic Planning Policy Statement (SPPS). The entire draft LDP has failed to take into account any Health legislation and indeed Human Rights (Under the Charter for Fundamental Rights) Legislation. The entire LDP will fails to comply with the Aarhus Convention and the Climate Change Proofing (there is currently no Climate Change Act in NI) breaching soundness test P3,P4, CE1-4 and C1-2.

Waste Management

 and has failed to take account of the necessary regulations in terms of extraction and waste, namely EU legislation on extractive waste. This is not addressed on Minerals, Min 1-6, Environmental Policies chapter, Natural Heritage and in particular Waste Management WM1-4. It also fails soundness tests P1-4, C1-4 and CE 1-4.

Directive 2006/21/EC of the European Parliament and of the Council on the management of waste from the extractive industries

Implementing measures

In accordance with Article 22(1) of the Directive, the Commission has adopted by transposition, the following implementing measures:

1. Commission Decision 2009/337/EC on the Criteria for the classification of waste facilities in accordance with Annex III, adopted on 20/04/09, published on 22/04/09 (L 102, page 7)
2. Commission Decision 2009/335/EC on the Technical guidelines for the establishment of the financial guarantee, adopted on 20/04/09, published on 21/04/09 (L 101, page 25)
3. Commission Decision 2009/360/EC completing the technical requirements for waste characterization, adopted on 30/04/09, published on 1/05/09 (L 110, page 48)
4. Commission Decision 2009/359/EC on the Definition of inert waste in implementation of Article 22 (1)(f), adopted on 30/04/09, published on 1/05/09 (L110, page 46)
5. Commission Decision 2009/358/EC on the Harmonization, the regular transmission of the information and the questionnaire referred to in Articles 22(1) (a) and 18, adopted on 29/04/09, published on 1/05/09 (L 110, page 39)

In accordance with Article 22 (2) (a, b and e), the Commission has given a mandate to CEN in order to develop the required standardized sampling and analyzing methods. CEN has also been mandated for the interpretation of the definition of inert waste, pursuant to article 22 (2) c). The final report was published end of 2012.

The Commission has also formally adopted a reference document on the Best Available Techniques (BREF) on the management of waste from extractive industries .

Other relevant EU legislation

- Directive 2012/18/EU of the European Parliament and of the Council of 4 July 2012 on the control of major-accident hazards involving dangerous substances (Seveso III)
- Directive 2010/75/EU of the European Parliament and of the Council of 24 November 2010 on industrial emissions (integrated pollution prevention and control) (IED)
- Directive 2008/98/ EC on waste and repealing certain Directives of the European Parliament and of the Council of 19 November 2008 on waste (Waste Framework Directive)

The entire draft LDP has failed the soundness test by not taking into account any Health legislation and indeed Human Rights (Under the Charter for Fundamental Rights) Legislation. The entire LDP will fails to comply with the Aarhus Convention and Climate Change Proofing. Indeed, it fails simply because there is np Climate Change legislation in NI

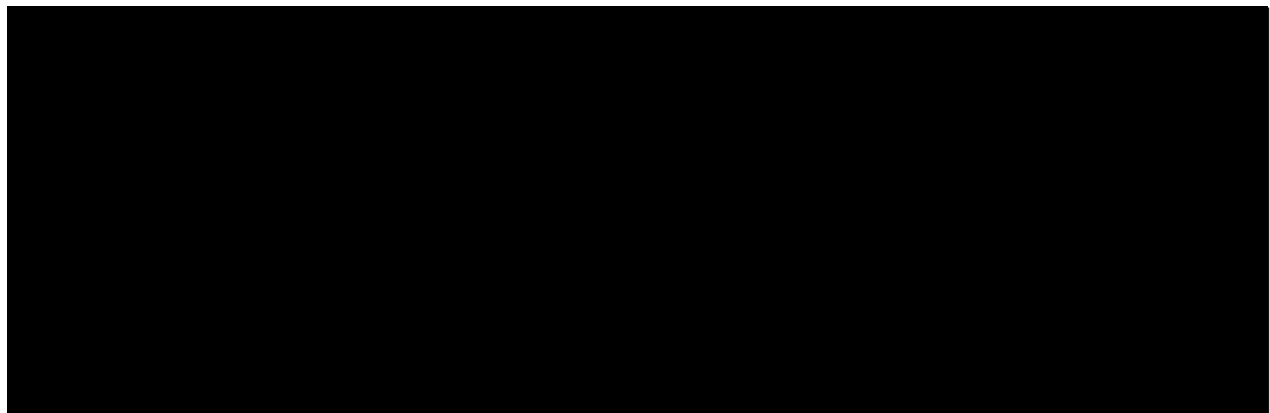
Cross Boundary and Transnational boundaries

The lack of consideration of regionally significant projects results in failing P1-4, C1-4 and CE 1-4 of the Soundness tests.

All cross boundary exploration and prospecting license (over 25% of land area of Northern Ireland) has been entirely ignored C4, CE1, 2. Specifically no consideration has been afforded to the FODC planning application - (LA10/2017/1249/F), a regionally significant project and the catalyst for the rollout of the precious metals and minerals agenda. On

the basis of the precautionary principle this Local Development Plan should have considered the impact of these proposals.

Just for clarity, I will take an opportunity to provide the assessors with a clear understanding of the planned impact of this single project and wider plans.

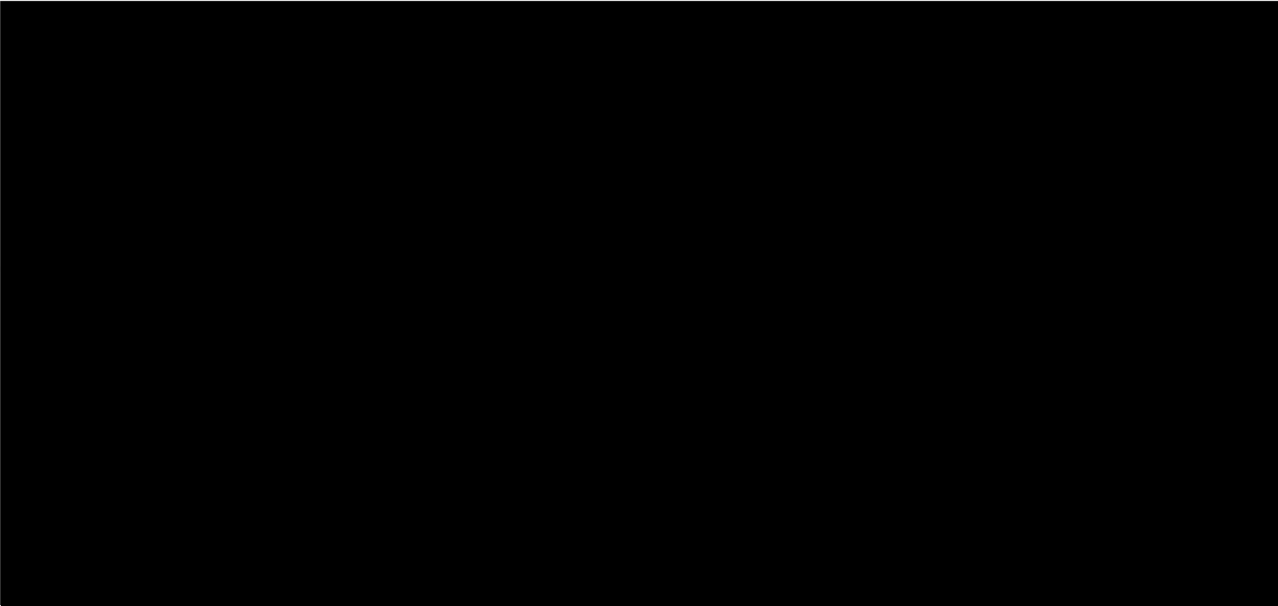


Officially, Dalradian has only identified one mining site (997 hectares) in its planning application.


(Patrick Anderson, MD

category impacting on C4 and CE01.

All the various departments are fully aware of these plans and indeed the plans for companies that have purchased the licensing and exploration licences for over 25% of the land area of NI yet this information has not been filtered into this LDP, Why not? The LDP must be abandoned until this is carried out and the appropriate health, environment and economic assessments are carried out at a regional level, assessing the cumulative impact of these plans. It also fails soundness tests P1-4, C1-4 and CE 1-4.



The proposed toxic project is situated in an Area of Outstanding Natural Beauty, less than a kilometre from the local 160 pupil primary school and pre-school, community centre, playing fields & church. It is on an elevated hillside (approx. 300m above sea level) exposed to wind, snow, rain with numerous underground water channels, (and subject to detrimental effects of climate change with increased risk of flooding, etc.) ideal to spread pollution, and certainly not suitable for a proposed dry stack tailings storage facility.

The majority of local people are completely opposed to this toxic proposal and the associated health and environmental risks. 


etc. The area has one of the highest radon levels in the UK with an 

DSDC must

consider these and in terms of all of the above policies, regulations and legislation.

Dalradian proposed to use 2 tonnes of cyanide per day, 365 days a year, where one gram of cyanide is enough to kill an adult human. Now, we don't know what they intend to use.



Transportation of low grade gold/precious metals and minerals will have to travel throughout DSDC by road e.g. Port of Derry for transporting materials, explosives, etc. and this will have a severe impact on Tran 4 and tourism Tou1-Tou4, AFE1-2 for DSDC, MUDC, FODC and CC&GDC. A full cumulative health, environmental and economic appraisal must be carried out. Precious metals and minerals must be prohibited from the area. Local Planning priorities must take precedence over any regional strategy.

All of the figures relating to the mine come from Dalradians own application, which is dealing with only ONE mine on a 997 hectare site. Dalradian has licences for 122,000 hectares. The requirements for this ONE mine is: Settlement ponds is 145 million litres is toxic waste, 4.3m litres of diesel to run plant annually, electrical power equivalent to run 15,000 homes annually,

[REDACTED]

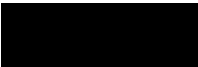
All government departments have simply focused on this single application, despite the fact that Dalradian announced the “Mine Camp” scale of this enterprise. All departments have been working with Dalradian for several years hence by not addressing these issues in this LDP they too, are negligent.

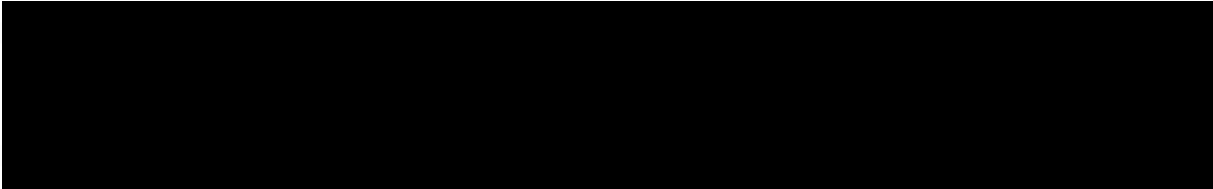
On 28 April 2017 the European Parliament voted with an unprecedented and overwhelming vote of 566 in favour and 8 against for the European Commission to ban the use of cyanide-based mining in the European Union, as soon as possible.

[REDACTED]

This particular application will inevitably impact directly on our major waterways at surface and underground level and flowing into the Strule,

Mourne and then Foyle Basin. The River Faughan is not far away either. Even without pollution incidents, Dalradian and the NIEA have challenged in court as part of a judicial review brought by local residents seeking a court ruling that NIEA's original discharge consent levels, be upheld. This JR has been successful and the government bodies concerned conceded that the resident's application had merit and agreed to the appropriate court order in favour of the residents. The consent discharge increased levels related to 9 elements with zinc, up to 10 times the current permitted levels. This is apparently a kill licence for aquatic life, given that there are protected pearl mussels and salmon in that stream, they effectively have no chance of cumulatively building up.

This coupled with the fact that NI Water only monitors and treats a selected number of elements in its water treatment plants, 



impacts. The LDP must be written so as to ensure that no precious metal and mineral mining should occur in such an area of rare wilderness and which should be designated as a National Park. It is not even to be considered. It is not acceptable to the residents and people of the district for government bodies to say all potential contaminants will be identified, EU consent parameters established, monitoring plan in place and that all water treatment plants are capable of providing clean drinking water, free from contaminants & heavy metals including lead, because it doesn't do at present and likely never will. In light of the effects of climate change emerging around the world at this time and the most awful consequences such a project would have on our people and

environment it cannot even be considered as a possibility. It would be in breach of the following protocols C1 - C4, P3 & 4 and CE1 - 2.

Dalradian intends to blast 1700 tonnes of material a day, grind to a consistency of fine sand, increasing volume and surface area, resulting in dust, PM10 and PM2.5. This ground material, will be placed on a tailings dump to be 895m long, by 375m wide and up to 17 storeys high (53m). The dust, when processed, will also contain things such as arsenic, lead, zinc chromium plus whatever inherent radioactive properties they may or may not possess now or in the future.



However the PM2.5 can spread hundreds of miles. With PM2.5 when you breathe this dust, given its fineness, it stays in your lungs.

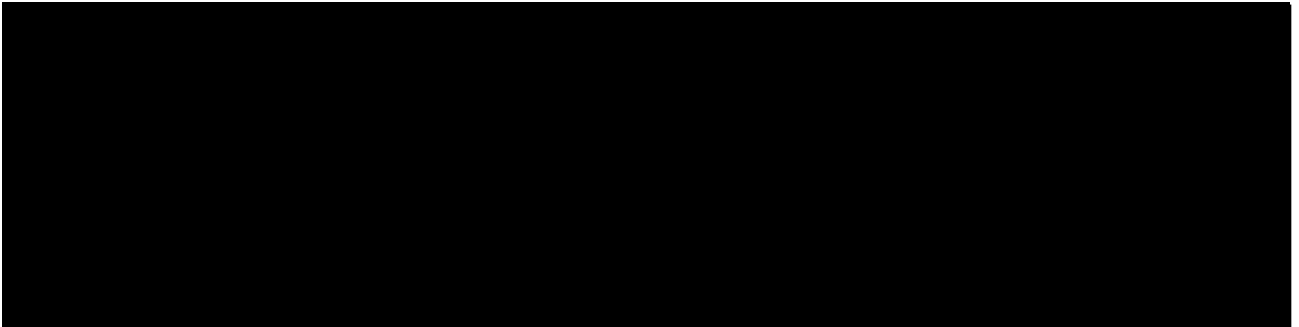
This tailings dump will be situated 300m above sea level, on top of a mountain, having extremely inclement weather (wind, rainfall and lower temperatures - not suitable for a dry stack tailings dump) being only over 1 km from schools with 160 pre-school and primary school pupils and Greencastle village a little further. Pregnant women, the elderly, the sick and infirm, together with young children are the most susceptible to this.

To dislodge the 1700 tonnes, for this single mine (going to be many more throughout the country) there intends to be two blasts with each blast having up to 25 explosive charges, 365 days per year.

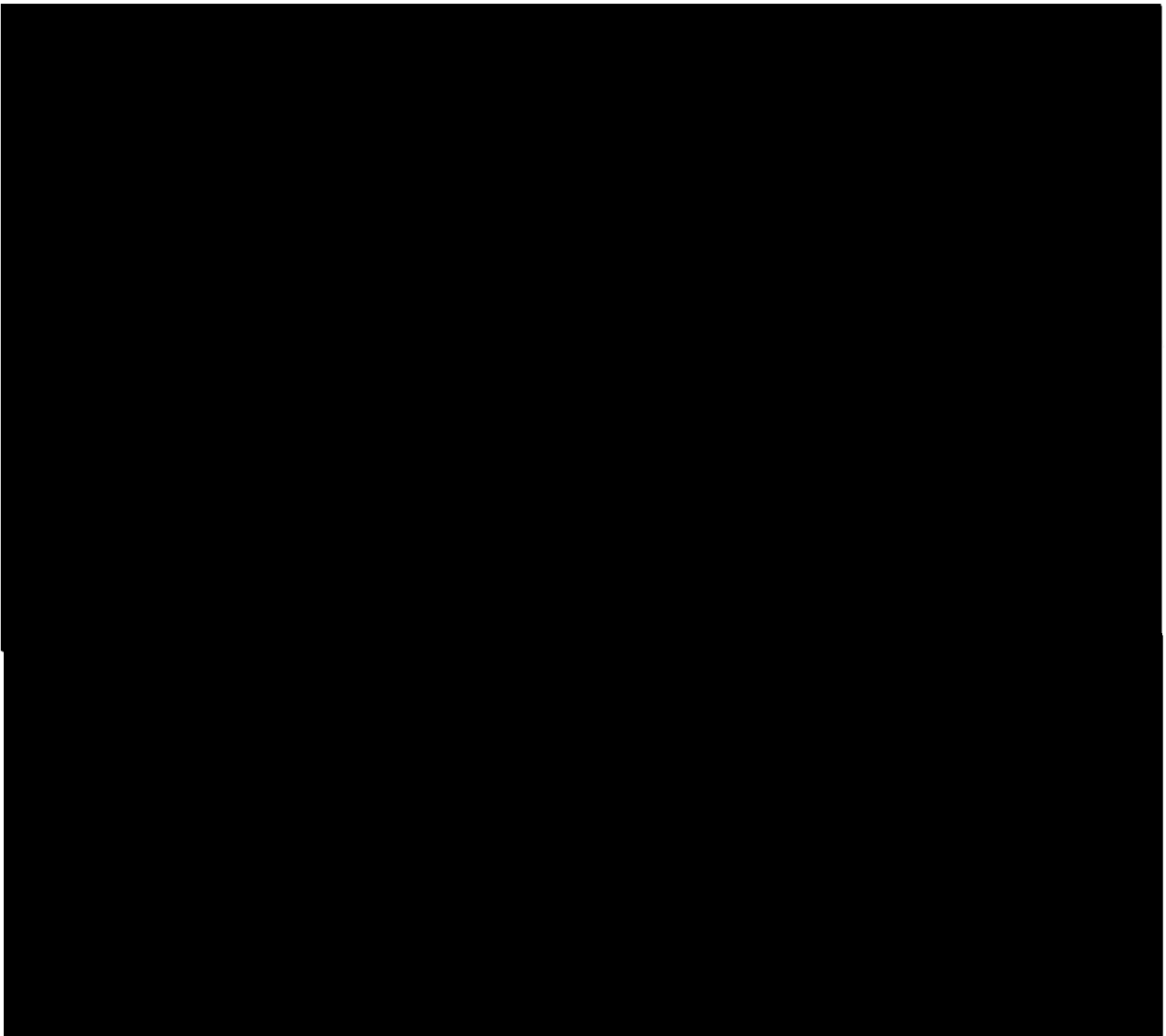
To put things into further perspective, given the amount of explosives, the storage of up to 20 tonnes of cyanide on site, the mercury smelting

facility, the cocktail of other dangerous chemicals, the smelted gold onsite, [REDACTED]

[REDACTED] Is this what we want in our LDP – what will be the impact on tourism then? This has to be stopped.



Security:



[REDACTED]

Bear in mind tourism in this area has grown substantially particularly in the past 25 years. [REDACTED]

[REDACTED]

[REDACTED] Furthermore, the Dalradian application is just 5km from largest raised bog in Europe, The Black Bog, an internationally designated RAMSAR site, also ASSI and Natura 2000 site, [REDACTED]

[REDACTED]

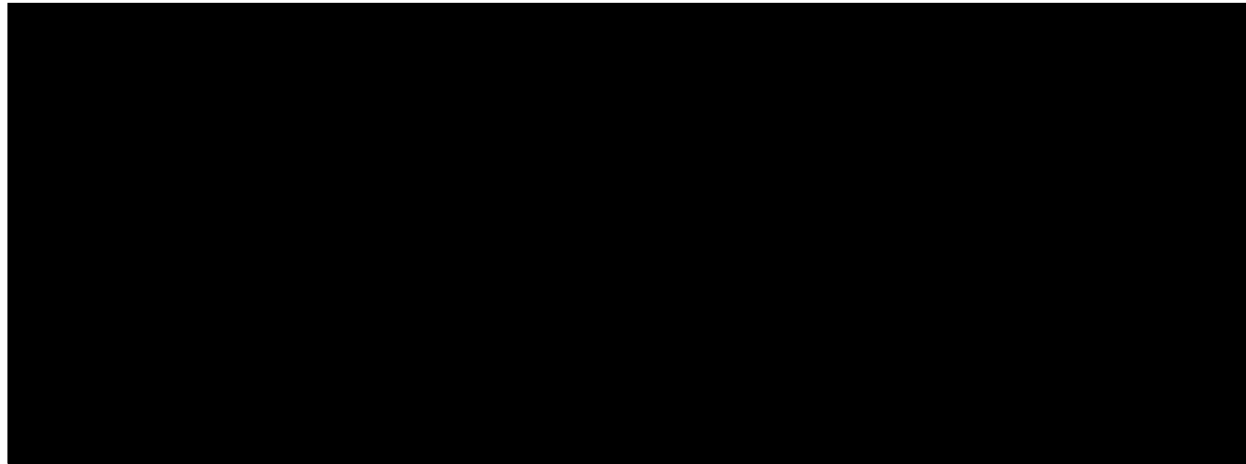


How on earth has that been climate-proofed in this development plan?

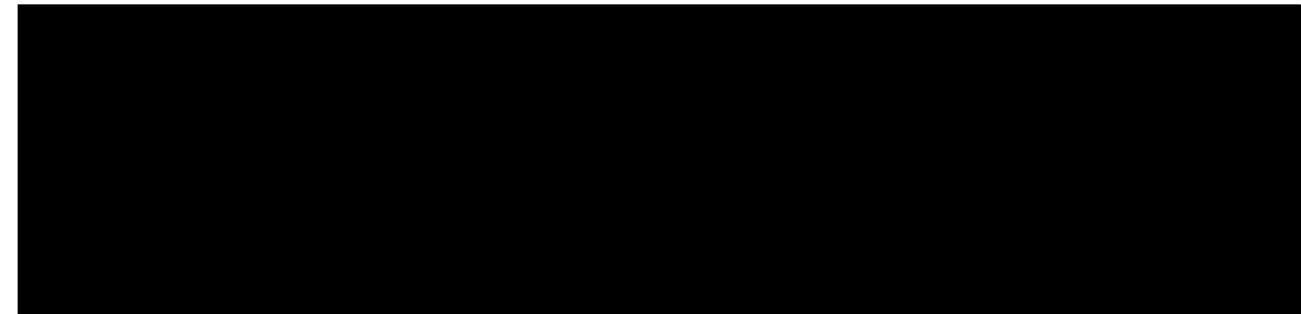


The council should be using the Local Development Plan to safeguard these unique and ancient living wetlands which have taken several thousands of years to grow.

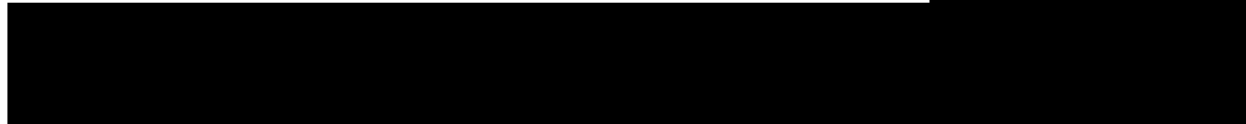




As stated, our water treatment plants do not test for or treat heavy metals, a definite by-product of precious metal mining & processing, hence we will be consuming these chemicals oblivious to our regulatory bodies!



This will be permitted as we do not currently have an Independent Environment Protection Agency (EPA) and the NIEA's role is to primarily support the developers, in the pursuit of economic growth, regardless of risk, if the developer can get their consultant to produce an acceptable report. The health of our people will be put at risk.



[REDACTED]

There has been no regional health, environmental or economic impact studies on the implementation of this precious metals and minerals strategy. The cost benefits in terms of health, tourism, agriculture and environment would greatly outweigh any financial gains. [REDACTED]

[REDACTED]

[REDACTED]

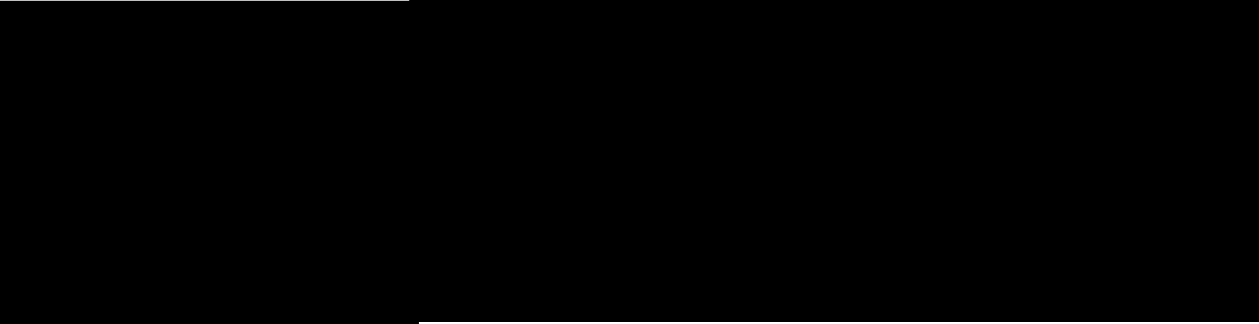
The underground higher activity radioactive waste geological storage facility was sanctioned by the SF/DUP NI Executive, supported by all main political parties, and is set out in The White Paper - Implementing Geological Disposal July 2014. This decision will be imposed on us by Westminster government who have given themselves power to do so in July 2015, by declaring this of national significance. This has been totally ignored by DSDC, a fundamental oversight given that all District Council CEO's were informed by letter in January 2018 the Geological Disposal Facility consultation. This was not placed in the public domain hence there were only 7 responses. [REDACTED]

[REDACTED]

[REDACTED] All supporting information, including July 2014

White Paper (implementing Geological Disposal – stating that Northern Ireland Executive have agreed to accept higher activity radioactive waste), Westminster ruling in July 2015, the current infrastructural plans and programme of works, clearly point to this Geological Disposal Facility being located in The Sperrins. [REDACTED]

The Local Development Plan must now be re-written to include for provision of the GDF.



[REDACTED] This will all detrimental damage our water and air supplies.

Below are some examples of where DSDC failed to meet the soundness test. However, this is by no means an exhaustive list and I will rely on other examples not listed where necessary.

Procedural tests:

P1 Has the DPD been prepared in accordance with the council's timetable and the Statement of Community Involvement?

Community Involvement specifically from the people of DSDC, has been ignored at the expense of mineral development (precious metal and

minerals specifically), designation of areas, furtherance of the installation of wind turbines at the expense of community health, environment or objections.

P2 Has the council prepared its Preferred Options Paper and taken into account any representations made?

They have essentially ignored the outcry regarding the gold mining and possible use of cyanide [REDACTED]

[REDACTED] The outcry regarding wind turbines has been ignored and even areas which are saturated with wind turbines are deemed to still have capacity. [REDACTED]

[REDACTED] The recent motions taken by the council and expanded on by the local councillors to ban gold mining and an end to Permitted Development Rights must be included in the LDP. Why is it not included?

P3 Has the DPD been subject to sustainability appraisal including Strategic Environmental Assessment?

Now, the key elements of the SEA, is supposed to be for sustainable development and this has not been specifically considered in relation to the overall plans for the industrialisation of The Sperrins AONB. The Sperrins AONB must remain intact hence the entire LDP must be re-written to accommodate same.

Consistency tests

C1 Did the council take account of the Regional Development Strategy?

No – indeed based on the soundness tests C1-C4 this LDP totally contradicts even itself given that in Section 1 it lists many documents and legislation that the LDC is based upon. However C1, by definition only requires “Did the council take account of the Regional Development Strategy”.

RG11 text states that areas of landscape quality should be protected and that the countryside should be protected from inappropriate development.

This policy clarification should be used to protect The Sperrins environment, the health of the people and the tourism infrastructure and traditional farming. As detailed in RDS, key concerns are the air quality and water quality of Northern Ireland. These have been sacrificed in the policy clarifications.

The RDS states to – “Protect and extend the ecosystems and habitats that can reduce or buffer the effects of climate change”. Many ecosystems and habitats (such as peat bogs) act as sinks or stores for carbon if undisturbed. Any councils proposal to destroy these areas by the adoption of this minerals development policy (FODC use this to mean precious metal and minerals) must be rejected.

The RDS 2035 does not mention mineral development at any point, let alone linking it to precious metals and minerals. Set out below is the

RDS 2035 index showing the key Strategic Guidance – Economy, Society and Environment with all areas focusing on sustainable development as set out in it. In terms of the economy, the actual focus is on tourism. The environment is fully focused on sustainability, particularly protection of our air, water and natural environments while minimising waste (something which precious metals & minerals cannot achieve by the very nature of this dirty industry)

Strategic Guidance

1. ECONOMY

RG1	Ensure adequate supply of land to facilitate sustainable economic growth	31
RG2	Deliver a balanced approach to transport infrastructure	33
RG3	Implement a balanced approach to telecommunications infrastructure that will give a competitive advantage	34
RG4	Promote a sustainable approach to the provision of tourism infrastructure	35
RG5	Deliver a sustainable and secure energy supply	36

2. SOCIETY

RG6	Strengthen community cohesion	38
RG7	Support urban and rural renaissance	38
RG8	Manage housing growth to achieve sustainable patterns of residential development	40

3. ENVIRONMENT

RG9	Reduce our carbon footprint and facilitate mitigation and adaptation to climate change whilst improving air quality	43
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RG11	Conserve, protect and, where possible, enhance our built heritage and our natural environment	47
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Prior to that, the Regional Development Strategy Volume 1 Environmental Report 2010, does indeed refer to mineral development. However, this mineral development purely focuses on aggregates with no mention of precious metals at any point.

The Strategic Environmental Assessment refer to minerals on many occasions however not once is it implied that the minerals are precious metals or minerals.

Alarming is that “aggregates such as sand, gravel, and limestone are widespread within the council area and can be found within the council area and can be found in areas of high scenic value and environmental sensitivity.” What is the basis of this – how many quarries are in ANOB or high scenic value areas – this is paving the way for the next killer sentence!

“Valuable minerals such as gold, silver, lead and copper are also present but are more limited in occurrence.”

This is the only reference to minerals that makes them classified as precious metals and minerals. This does not reflect the SEA or any of the RDS. How can DSDC change regional policy and change district policy by now defining minerals, as precious metals and minerals? This new definition will have to be approved by a Stormont Minister and a specific policy established. None of the regional documents refers to this definition, so therefore all references and inferences to “precious metals and minerals” should be fully removed from this draft strategy. This will be open to a Judicial Review challenge.

The fundamental difference between minerals as aggregates as opposed to precious metals and minerals extraction is that the latter will require processing with toxic chemicals and by default will generate considerable waste, unlike conventional aggregate extraction.

Furthermore precious metal and mineral extraction will cause acid rock drainage for perpetuity, hence resulting in potentially hundreds of millions of pounds for remediation. Min05/6 does not address this sufficiently. There is no consideration of a bond for accidental chemical spillages during operational life which has the potential to cost hundreds of millions of pounds if an accident occurred – usually the company quickly goes into administration.

One has to question the legitimacy of the issuance of exploration licences considering there was no provision for precious metals or minerals agenda granted by a MLA. On whose authority or following which policy did the Civil Service departments actively go over to Canada and promote Northern Ireland as being “Open for mining business” and then grant exploration and prospecting licences for 25% of the north of Ireland.

Indeed when undertaking this strategic environmental assessment and environmental Impact assessment the overall cumulative impact of numerous precious metal and mineral mines, extraction of various other minerals and substances (cobalt, uranium, lithium, zinc, silver, etc.) and their associated chemical processes, have to be considered on the environment, tourism, health and agriculture. Consideration must be given to the well documented and immensely negative impact on air, water - ground/surface, plus existence of radon, radiation from Chernobyl and potential uranium radiation). This has in effect been ignored to date, by both RDS, SEA and specifically totally ignored by DSDC draft strategy. An independent body should assess this appointed by DSDC to establish a baseline.

To date, the developer is only seeking planning permission for one underground mine but given the geological structure there will be several others including open cast mines. The impact of all precious metals and minerals mining and processing, and installation of wind turbines and 5G (See Appendix 2) must be considered holistically with the cumulative impact on health, environment and economy assessed. [REDACTED]

[REDACTED] Once The Sperrins AONB is industrialised for mining and wind turbines, it can never be restored to its former beauty.

As a by-note at the public meeting in Gortin, The head of Planning when advised of the dangers of gold mining explicitly stated that if we want to own and wear jewellery we must be responsible and mine the gold in our own country. When pointed out to her at what cost to the health of our children and to the environment, she retorted that it has to be mined somewhere and if we wanted the jewellery then we had to be responsible for it rather than mine it in a less prosperous country. [REDACTED]

[REDACTED] not least in the fact that gold is not essential, like jewellery and that there is sufficient gold in vaults to satisfy our needs for over one hundred years. [REDACTED]

The entire draft LDP has failed to take into account any Health legislation and indeed Human Rights (Under the Charter for

Fundamental Rights) Legislation. The entire LDP will fail to comply with the Aarhus Convention and Climate Change legislation

In terms of tourism and jobs this LDP fails to adopt the RDC in favour of precious metals and minerals.

Currently we have full employment. Civil engineering companies are unable to fill vacancies across the board, from professionals to skilled/unskilled staff. So, when an organisation comes into an area, claiming to offer 25%-30% more in wages this can only make the existing companies less competitive. Consider the displacement of tourism jobs as a start. It is projected that Northern Ireland will employ 55,000 people in tourism related jobs by 2020, generating £1bn annually. This will all be thrown into turmoil as a precious metal and minerals policy is pursued.

For example, Mid Ulster District Council district employs approximately 3500 in tourism, with a tourism revenue of £30m per annum – 2016 (NISRA.gov.uk). Take a modest growth of 6% per annum over 20 years (NI Exec using 6% growth) – this equates to 7725 new sustainable local jobs, generating additional tourism revenue of £24m p/a after year 20, if tourism continues on its current path.

Contrast that to the scenario where this toxic cyanide processing plant was operational then assume a very modest 3% decrease in jobs equating to an overall reduction of 1163 jobs by year 20, reducing tourism revenue by £13.5m pa.

The difference in both scenarios would mean the economy would be less well off by approximately 8888 jobs/job opportunities and by £1.2bn in Tourism alone. Investing in tourism is sustainable, increasing the tourism product will last our future generations as opposed to destroying our environment, never able to be restored, decimating future tourism potential. This goes against all documents and specifically against the precautionary principle.

The NI Executive departments have not undertaken a regional environmental, health or economic review based on the precious metals and minerals agenda, including the cumulative impact hence cannot meaningfully make an input in this process. They are in full knowledge of the potential hazards and impacts however they have failed to initiate these reports. The precious metals and minerals agenda must be removed from the LDP.

DSDC attempts to interchange the terms mining and quarrying. It is abundantly clear there is no mining in DSDC. However, this LDP attempts to seek mining through the back door – The RDS clearly identifies minerals development as extraction of aggregates (sand and gravel) not precious metals and minerals “mining”. All references to minerals development should be changed to quarrying.

The precious metals and minerals agenda must be removed from the LDP. DSDC councillors passed a motion to prohibit gold mining in DSDC. This must be adhered to and the LDP changed accordingly. At MUDC, one Councillor [REDACTED] coming from a quarrying background,

explicitly stated there was no comparison between Quarrying for aggregates and mining for precious metals. Given that this motion was passed then mining DSDC must not pursue a precious metals and minerals agenda. Councillors wholeheartedly condemned precious metals and minerals agenda on the basis of health, environment and economy. This council motion must be integrated to the LDP.

C2 Did the council take account of its Community Plan?

“Community planning is a process whereby councils, statutory bodies and communities themselves work together to develop and implement a shared vision for their area. It involves service and function delivery to produce a community plan that sets out the direction of a council area which promotes community cohesion and improves the quality of life for all its citizens.” The plans for the mineral development (precious metal and minerals), is totally rejected in the community particularly in the ANOB. DSDC has indeed completely ignored the community instead DSDC under MIN01-03, 5-6, has split the community and will unquestionably affect the quality of life of its citizens. This community sees sustainable development through tourism and agricultural as the key drivers in this area. However, DSDC is promoting mineral development, industrialisation of the existing AONB through re-designation while allowing wind turbines to be introduced to some of the most scenic areas of the Sperrins. This has to be removed from LDP
Wind farms should not be allowed to progress given its scale, complexity and health impacts. Commercial wind turbine projects are planned to be located in an AONB. Our AONB has to be maintained to preserve our tourism product, and the natural beauty of our landscape. The wind turbines will be there for generations totally destroying our unspoilt

landscapes. DSDC seems to have placed much greater emphasis on economic development, way ahead of tourism, and a sustainable approach. Our flora and fauna will be detrimentally destroyed. This also breaches C3, C4, PE1-4 and CE1-4

C3 Did the council take account of policy and guidance issued by the Department?

The draft plan seems to have significant input to allow precious metals and mineral extraction (including processing), industrialisation of The Sperrins by wind turbines in an ANOB, MIN01-MIN05 etc. despite there being no reference to precious metals and minerals in the Regional Development Plan.

C4 Has the plan had regard to other relevant plans, policies and strategies relating to the council's district or to any adjoining council's district?

The plan has failed to take into account the cumulative impact of precious metal mineral mining on other areas and the impact on the health of people, environment and economies, particularly relating to this site specific reference. Trans-boundary arrangements have been ignored in terms of water and air pollution.

DSDC passed a motion to oppose the goldmining and precious metals and minerals mining in DSDC. This council motion MUST take precedence over all other policies as the motion was passed.

CE1 The DPD sets out a coherent strategy from which its policies and allocations logically flow and where cross boundary issues are relevant it is not in conflict with the DPDs of neighbouring councils;

Minerals development has devastating impact on the environment and has cross border effects, too. Further, the consequences of this has cross boundary effects in terms of water and air pollution is immense, while the negative impact of having this toxic monstrosity will have a negative impact on tourism and agriculture. This is before we mention the cumulative impact of various other mines operating across the region.

Indeed there is a seam of uranium running from Donegal to Fintona direction which is surely destined to be mined in the near future. Gold mining is the most damaging to health and the environment only beaten by uranium mining. The impact of allowing these forms of mining in will be devastating. If this policy is allowed then fracking and extraction of Lignite will be sure to follow in DSDC.

CE2 The strategy, policies and allocations are realistic and appropriate having considered the relevant alternatives and are founded on a robust evidence base;

Gold mining and any mining in the Sperrins AONB, like fracking, should be prohibited. It is not using the Best Available Techniques as deemed necessary by PPC application as there are many more methods of

extracting gold that does not require cyanide or mercury, which will be addressed later on.

One of the most important alternatives is that of developing DSDC purely for tourism as opposed to adopting a precious metals and minerals strategy. To date nobody has produced a report showing the benefits of adopting a minerals development strategy, yet seemingly DSDC has embraced Minerals Development fully. Before DSDC adopts this policy it is essential to demonstrate why this council is prepared to risk our wonderful environment and the health of our people by producing evidence to prove same?

A full regional report, followed by a localised DSDC report, must be completed, showing the economic, social, environmental impact of such a minerals development policy, taking into account impact on health, increased security, impact and cost to water and air, impact on tourism, agriculture and fishing.

One of the largest negative impacts which we will cover later in all forms of precious metals and minerals extraction is that of acid drainage. This occurs for hundreds of years and costs hundreds of millions of pounds to remedy. Should our local rate payer foot the bill for this? Dalradian or Walkabout won't be here when we are left with the health effects and environmental damage.

CE3 There are clear mechanisms for implementation and monitoring;

There is no clear mechanism for implementation and monitoring, the objectives, indicators and measures are poorly constructed (not

SMART). A number of objectives seem to appear out of nowhere e.g. promote range of jobs, then mining mentioned. The purpose and goal must be to enhance the environment then none of these objectives should be used. So, this is contrary to objectives and should be prohibited permissions at the outset.

Key areas have been omitted such as tourism, eco-tourism, traditional farming and fishing impact on environment have not been considered and public health should have been paramount. More focus should be placed on improving our tourism offering. Fundamentally the health of our people should be foremost with the environment next as our tourism economy hinges on it – Tourism is reported to generate £1bn per annum by 2020.

CE4 It is reasonably flexible to enable it to deal with changing circumstances.

The only manner that this is flexible is in the favour of mineral development, particularly relating to this site specific reference. This entire report has been designed to facilitate the precious metal and mineral, plus industrialisation agenda at the expense of the environment, tourism and health based upon the prevalence of various exclusion clauses & mitigating measures. This has to be totally reviewed.

It is clear from reading this draft report that it does not incorporate an assessment of environmental effects, it fails to comply with the requirements of the European Directive 2001/42/EC and on the assessment of effects of certain plans and programmes on the

environment (SEA Directive) and the Environmental Assessment of Plans and Programmes, Regulations (Northern Ireland) 2004, in relation to Minerals development particularly the provision of mitigating measures and exclusions to allow mineral development (more specifically precious metals and minerals), proposed designations in maps including the areas identified for wind energy, the essential downgrading of the internationally designated Ramsar sites (effectively airbrushed from the report), the merging of native quarrying processes to seamlessly incorporate the development of precious metals and minerals governed by the same rules, regulations and guidelines, ignoring the dangerous, toxic chemicals used in the processing of same.

Having read the SA and SEA, it is apparent that DSDC has not taken in consideration these reports or indeed that of the Regional Development Strategy. According to 5.3.11 of Practice Notes 6 (soundness) A council must be able to demonstrate that has met all the legislative requirements regarding SA and SEA. Looking at table 2.2 SEA Objectives (Final Environmental Report Sept 2015), all eleven of them support sustainable development with even no. 8 - Material Assets referring to point a) safeguard natural resources including minerals and peatland) and minimise unsustainable use.

Community involvement seems to be sacrificed to allow a minerals development friendly strategy, ignoring the key principles of the SEA.

The Draft Plan Strategy is so totally conflicted that it does not make sense. On one hand tourism is quite rightly being promoted as a

sustainable strategy and then mineral extraction is being promoted in an AONB that will potentially affect ASSIs, SAC.

Draft Policy TOU01 – Protection of Tourism Asset and Tourism Development refers to the Council will not permit any form of development that would, to paraphrase, have an adverse impact. How can FODC have a sustainable tourism industry, as per SEA, but yet fully embrace a toxic mineral extraction industry and wind turbine installation programme essentially causing the industrialisation of the Sperrins, an AONB? The precious metal agenda has to be removed from this draft strategy to ensure sustainable development.

The local development draft plan has been effectively designed around permitting valuable minerals development in our Council area, with carefully worded exclusions and exemptions to pursue the precious metals and minerals agenda, in the future (min1, Min2, Min3, Min4 and Min5). Precious metals should be removed from LDP, failing that all exclusions should be omitted from plan to safeguard against aforementioned issues. One of the most worrying aspects of MIN2

There is reference to mining and quarrying - there is no mining in this region, please remove the term mining from the LDP. The authors are attempting to make both words interchangeable. They are two totally different processes. Mining in “valuable” or precious minerals development uses a chemical treatment. The RDS only refers to minerals development in the form of quarrying.

Reference is made to where traffic movements will result in refusal where the proposal would prejudice safety. Our roads will be congested with lorries/juggernauts heading to and from Greencastle and the port of Derry City filled with “God knows what” toxic material. This will decimate tourism and generate severe air pollution and poses a serious threat to public safety on the roads and elsewhere.

Min 2 – one of the most worrying developments is given that a precautionary approach will be adopted in assessing mineral development, the onus will be on the developer to demonstrate no significant harm. This is “he who pays the piper picks the tune”. Given that there is currently no independent EPA, limited expertise within the governmental departments, then the Developer can essentially do what he wants. The developer should set aside additional monies for the Civil Service department to appoint an independent consultant.

There should be a definitive policy that under no circumstances should mining activities should impact on international/national or local nature conservation importance including ASSIs, SACs, SPAs local/national nature reserves or heritage interests should NOT be effected. The role of the local development plan should be to preserve our heritage and landscape with no exceptions when it comes to mining.

This ignores the main focus of the Strategic Environment Assessment (SEA) and consequently the related European Legislation, Regional Development Strategy (RDS), 2035, Habitats Regulation Assessment (HRA), and Strategic Planning Policy Statement (SPPS). The entire draft LDP has failed to take into account any Health legislation and indeed

Human Rights (Under the Charter for Fundamental Rights) Legislation. The entire LDP will fail to comply with the Aarhus Convention and the Climate change legislation breaching soundness test PE3, PE4, C1-4 and CE1-2.

The economic benefits of exploitation of valuable minerals should not be the primary factor in determining extraction. Indeed there should not be a presumption against their exploitation in any area. As stated above we have to preserve our natural heritage for future generations to enjoy.

Exploration for high value metalliferous minerals should not be carried out under Permitted developments rights given the potential damage caused. Planning permission must be sought with appropriate environmental impact studies and assessments carried out. This is in line with the above requirements. There have been a number of pollution instances when undertaking exploration drilling in FODC area under permitted development which could have been avoided under full planning permission, given the toxic drilling fluids, the potential of radiation and lack of statutory supervision.

Soundness tests failed: C3, C4, CE1, CE2, CE3 and CE4

Draft Policy Min05/06 – restoration and aftercare is woefully inadequate particularly relating to this site specific reference – As shown above given there is not a policy for a precious metal and mineral strategy hence MIN01-6 should be reworded purely for aggregates.

If still in existence and given the potential to harm environment and consequently people - The council should insist on realistic public liability insurance cover must paid in advance for life of mining operation” by the applicant plus before planning is granted to cover worst case scenario a bond covering “accidents” during operation(e.g. £300m for cyanide).

At the outset a realistic Warranty and Financial Bond must be in place for closure and remediation so the public purse is not liable (local council). This must take cognisance of similar projects and environmental circumstances e.g. typical closure costs of gold mining in the US including monitoring and remediation of sulphurification/acid rock is \$200m to \$350m. This has to be paid for in advance and must be paid for at least 100 years – As per previous example, Dalradian has allowed only \$16m throughout life of mine and \$16m on closure, woefully inadequate. Tax payer will have to foot this bill and Dalradian will be long gone.

The Sperrins ANOB must be designated a “National Park” and the landscape to its original condition.

Soundness tests failed: C3, C4, CE1, CE2, CE3 and CE4

Draft Policy L01 – Firstly this undermines the AONB designation which should be of the highest protection and conservation. The Proposal Map has only a small area of The Sperrins AONB designated which is mystifying. The recommendation is to extend the entire Sperrins AONB to the highest level as per SEA 1.3 4.

Draft Policy HE02 – Archaeology

Proposed Area of Significant archaeological interest is too small. This AONB and its archaeology must be protected rather than sacrificed for unsustainable industries, once again deviating from the SEA and HRA. Wind turbines, masts and high structures must not be allowed near any archaeological site. HE4 paragraph 2 must be removed as it is clearly written to benefit precious metals and minerals.

Soundness tests failed: C3, C4, CE1, CE2, CE3 and CE4

Draft Policy Min04 – Unconventional Hydrocarbon Extraction – should include cyanide and mercury

This has particular significance for the aforementioned site specific reference of the gold mining application.

This proposal affords some form of protection from fracking “until it is proved that there is no adverse effect on the environment or public health”. The same protection should be afforded to the use of cyanide and mercury as is for Draft Policy. Use of Cyanide and mercury should be prohibited until it is proved that there is no adverse effect on the environment or public health. MEPs essentially voted to ban mercury in 2017 however our governmental departments seem to be allowing it on this application.

Dalradian proposes to be a member of the International Cyanide Management Code – This is a voluntary code developed by the mining industry in response to various mining disasters. It is not regulatory does not have any powers. We do not know at this time what processes exactly will be used by Dalradian and gold mining since they have stated they will not use cyanide??!!

Germany, the Czech Republic, Hungary, Turkey, several Argentine provinces and the U.S. state of Montana have banned the use of cyanide to extract gold from low-grade ore, given the adverse effects on health and the environment.

On 28 April 2017 the European Parliament voted with an unprecedented strong vote of 566 in favour and 8 against for the European Commission to ban the use of cyanide-based mining in the European Union as soon as possible. Given this overwhelming vote to ban this toxic process are our Civil servants even considering gold processing using cyanide, in a region of that does not have a mining industry let alone monitoring or control mechanisms in place.

The European Parliament cited that *over the past 25 years more than 30 major accidents involving cyanide spills have occurred worldwide*”, and that *“there is no real guarantee that such accidents will not occur again, especially taking into account the increasing incidence of extreme weather conditions, inter alia heavy and frequent precipitation events”*.

In view of the recent storm of 22nd August 2017 when large parts of the Sperrins slid down the mountainside, and indeed the devastating flash floods (1st & 8th June 2018) in parts of Tyrone, disastrous environmental

consequences would have resulted had this toxic waste dump, tailings and settlement ponds been on site.

In the same vein, as Draft Policy Min3 and as part of HRA, SEA and indeed the RDS given that FODC is a member of Nuclear Free Local Authorities it is vitally important that the council specifically rejects higher activity radioactive nuclear waste being stored in a Geological Disposal Facility situated our District Council. This must be included in the Draft Policy to avoid future issues.

Natural Heritage

Draft PolicyNH1-6 –states that the council will not support any development that will adversely affect the integrity of an SCA International Designation, National designations, local designations, protected species, habitats and AONB. However each allows an exclusion or mitigating circumstance to allow destruction of same.

These Natural Heritage sites MUST be protected and should not be destroyed or detrimentally impacted upon under any circumstances.

This is the polar opposite effect of the SEA - 1.3.4 Aims and Objectives particularly in relation to “Furthering Sustainable Development” and Core Planning Principles particularly “Natural Heritage” to assist in meeting international, national and local responsibilities and obligations, reinforced by SEA objectives 2.2.3. Indeed this also goes against HRA. Where in the SEA does it provide the council with guidance to develop these exemption clauses?

According to Ramsar, “A Ramsar site is recognised as being of significant value not only for the country or the countries in which they are located, but for humanity as a whole.” E.g. The Black Bog took thousands of years to grow and under no circumstances must it be put in danger. The Black Bog in its own right is a major tourist attraction to this area. It is a natural habitat to various rare flora and fauna.

Draft Policy NE01 takes no consideration of international law, and indeed essentially allows its destruction based on a benefit of regional or national importance.

This is an internationally recognised Ramsar site with the following designations (AONB, ASSI and EU Natura 2000). It is protected under the international (Ramsar) convention, whereby adverse changes to the ecological character of a site is prohibited as per Article 3.2 of the Convention and Recommendation 4.8 (1990), which established the Montreux Record.

According to Article 3.2 of the Convention, “Each Contracting Party shall arrange to be informed at the earliest possible time if the ecological character of any wetland in its territory and included in the List has changed, is changing or is likely to change as the result of technological developments, pollution or other human interference.” Contracting Parties commit to inform the Secretariat of such changes.

Has FODC and DSDC informed the Secretariat of such changes - likely to change as the result of technological developments, pollution or other human interference? Have they informed the secretariat that they have made provisions in the Local Development Plan to allow such changes?

Soundness tests failed: C3, C4, CE1, CE2, CE3 and CE4

Draft Policy RNW1 - renewable and Low Carbon Energy Generation -
Wind Turbines

Based on SEA and HRA DSDC should be/ trying to preserve the entire Sperrin AONB/DSDC region. DSDC will presume in favour of renewable energy development unless it will be detrimental to human health or residential amenity. Given the recent reports wind turbines do cause significant harm to health hence DSDC must take this into consideration with health being the priority factor in determining permission.

By undertaking this local area plan and by putting in place this development plan to allow more wind turbines in certain areas this means that DSDC must now be fully responsible and liable for any health issues arising from these wind turbines. DSDC should specifically take cognisance of the health implications of Infrasound and low-frequency noise, as by creating this plan, and indeed by allowing other wind turbines in areas of Significant cumulative development FODC is liable. The LDP must take into account of this evidence and prohibit wind turbines until proven to not cause Health and environmental issues, as such it fails the soundness tests of P1-4, C1-4 and CE 1-4, plus it is not in the Public interest

Likewise by defining certain areas as in an Area of constraint on Mineral Development and then allowing a developer ways to mine these areas

through mitigating measures, DSDC is complicit in allowing whatever future health and environmental consequences that result from the developer's negligence. The health and environment should in effect be the primary responsibility of a governmental body, at no point should economic gain, particularly by a private entity, be given preferential treatment. The environmental crisis facing our planet is NOT "far way in Australia" as they say!

This is particular true when mining for precious metals and minerals when toxic chemicals processes are being utilised, which are well documented to cause health and environmental issues. For example cyanide is banned in several European countries, a number of US states and various countries throughout the world. DSDC, (by developing a policy document which facilitates developers), is unquestionably complicit and in my opinion joint and severely liable, for any consequences arising therefrom.

Telecommunications:

5G should be prohibited in the LDP, until it is proved that there are no detrimental health and environmental consequences (HE2/HE3/in particular Policy TOHS1) as such it fails the soundness tests of P1-4, C1-4 and CE 1-4, plus it is not in the Public interest

It is clear that RNW1 that wind turbines and high structures specifically refer to 5G masts or telecoms towers. 5G should be prohibited and this

stated explicitly in the LDP until unequivocal evidence that it is safe and health is produced. There is irrefutable evidence that ICNIRP guidelines are not correct and that there is a danger to our peoples health and to our environment. A moratorium should be placed on 5G until it is proven that there is no health and environmental concerns. Currently there are over 226 expert reports clearly demonstrating that 5G is damaging to health and environment. It is clear that in TOHS1 this policy was designed to accommodate the rollout of 5G in rural areas by using a 25m height restriction, conveniently the height required for 5G. 25m in a rural environment is too high, is visually nauseating where 15m structures should also be prohibited.

This must not be allowed and all references to these removed. This is millimetre wave technology, powered by line of sight masts, having over 20,000 satellites to create a global Electromagnetic Force, will be on continuously. This is weapons grade technology proven to cause cancers, brain and heart tumours, neurological disorders, infertility, etc. should not be allowed to be implemented until proved safe. As pre 21.6, 5G equipment should not be allowed on other telecoms equipment until technology proven safe to people, animals and trees.

Any electricity and telecommunications should be undergrounded to ensure no visual and environmental impact in The Sperrins AONB. Wind turbines should not be permitted in the Sperrins. To be added to LDP.

13.0 MINERALS

Overview

It should be noted that in the Overview of the Minerals section in the MUDC LDP it highlights the extent of reliance of Mid-Ulster's local economy on the mineral industry 'with the District being nearly twice as reliant on the construction industry for employment as Northern Ireland as a whole'. Given the fact that the minerals industry is one of the most environmentally damaging industries globally, there is an imperative to find more sustainable alternatives urgently. This necessity is not reflected in the Mid-Ulster draft plan document, instead the plan ties the District into further dependence, and thus, further environmental devastation. MUDC is required to understand what the precise social and environmental impacts of extraction activities to date are, and the strategic need for proposed future extraction. This essential analysis has not been done and therefore to commit to further extraction without this baseline information is premature and potentially extremely damaging to the environment and the well-being of the population within MUDC area. MUDC also have an obligation to reduce carbon dioxide emissions and extractive industries contribute significantly to climate change.

The above is significant for DSDC in that this is an adjoining council area and the issues referred to above have potential effect within the DSDC area especially in relation to mining. In this regard, I refer particularly to section 9.3, ED5/9.33, ED6/9.39-9.41 and ED7/9.42-9.45 and would be objecting to anything within those provisions which would allow or sanction any developments, mining or otherwise which would not be in keeping with the total protection of the wilderness and beauty of the Sperrin Mountain areas within DSDC.

Soundness test failed:

P3, C2 and C3

Regional Policy Context:

We refer to the following text:

“The SSPS directs that MUDC LDP should ensure that sufficient local supply of construction aggregate can be made available for the local market, and where appropriate the regional market area and beyond, to meet likely future development needs over the Plan period.”

The SSPS cannot ‘direct’ any Council’s Plan whether it is DSDC, FODC, MUDC or CCGDC. The test for soundness considers whether a Council has ‘taken account’ of policy and guidance from the Department. However, the Plan-led system gives legal precedence to the LDP of the Councils. Additionally, the assertion that any Council should sacrifice its environmental integrity to satisfy external markets is extremely flawed. The lack of clarity also, of what ‘beyond’ means deems this policy statement untenable. Does this mean that MUDC must continue to extract from its fragile environment to satisfy building projects in other continents?

Insofar as this policy/strategy affects or is incorporated in the DSDC LDP then I must object in the strongest terms should that affect the Sperrins ANOB within DSDC. If the above applied then the following applies.

Soundness test failed: P3, C2, CE2, CE3 and CE4

Community Plan:

Insofar as DSDC Minerals Policy helps support in the delivery of the economic aspects of the Community Plan, it would be asserted that the Minerals Policy directly undermines many of the stated outcomes of the Community Plan, and one of three of its foundational cross-cutting principles, namely: Sustainable Environment.

Insofar as the same is proposed for DSDC and further insofar as it can affect the DSDC area, I refer to the MUDC Community Plan which has identified 15 outcomes that the MUDC aims to achieve in Mid Ulster over the life of this plan. Below are some of these outcomes (in italic) and our comments (in plain text) showing how the MUDC Draft LDP contradicts these outcomes with its overly permissive policies with regards to the extractive industries:

- *We have more people working in a diverse economy*

The extractive industry is preventing the development of alternative, more sustainable business. The MUDC Draft Plan fails to consider in any meaningful way how the District can transition from an unsustainable and environmentally destructive economic model to a more just and sustainable model.

- *We will increasingly value our environment and enhance it for our children*
- *We give our children and young people the best chance in life*

The expansion of the extractive industry blatantly contradicts these sought-after outcomes. Our climate is in chaos due to our industrial activities and we are destroying the life-support systems that our children and the generations to come need to rely upon. There is a wealth of scientific evidence, most notably the IPCC's most recent report, showing how our environment is in peril and how our children will be much worse off in terms of security and a healthy environment if drastic, immediate action is not taken. DSDC, MUDC, CCGDC and FODC LDP should contain a comprehensive strategy on how to reverse our impact on Climate Change. On viewing the DSDC I state that the LDP has not been climate-proofed. In NI at this time, we do not have a Climate Change Act. Major new roadways are currently being constructed and all the while media, governments both national and international tell us we must change our ways, use more public transport. Whilst references to the LTS state this is to be taken into account and there are minor, brief references to development of public transport generally and in rural areas in particular but it has not been given the central and strategic focus that it demands going forward. For example, is there provision for a light rail system on the new road structure from Dungiven to Derry? As I watch the construction of this long-awaited new road I do wonder

just how many cars will be able to use it into the future if our climate is in such a dire state.

- *We are better enabled to live longer healthier and more active lives*

Extractive projects and industrial agriculture directly affect people's health and their right to clean air, water and a healthy environment. The Community Plan and the draft LDP fail to address the importance of healthy ecosystems and access to nature as being vital to wellbeing.

- *We care more for those most vulnerable and in need*

The most vulnerable are those most at risk from an ailing environment, especially our children whose future we are adversely affecting by continuing to rely on the extractive industries.

Further, we must look at the type of economic indicators that should have value into the future because of climate change, etc. The caring community and profession can provide unimaginable opportunity for employment and economic development if such work had a true value placed on it. This is the type of thinking and behaviour that must change

- *We are a safer community*

Permitting mining and other destructive projects without a clear social licence will only cause conflict and division within and

between communities and will erode trust between citizens and government. Living beside a toxic mine or an unlawful quarry also does not equate with living in a safer community.

Soundness Tests failed: P3, C2, CE1, CE2 and CE4

POLICY MIN 1 – MINERAL RESERVE POLICY AREAS

I object to the existence of Mineral Reserve Policy Areas for economic purposes. As already stated, the extractive industries have substantial, adverse and irreversible effects on our environment and as such, the LDP of the Council should be focused on transitioning to a sustainable, circular economy. Within such a transition, our towns need to be strategically improved and allowed space to evolve (in part, to avoid further encroachment into our countryside). Areas of Constraint are not acceptable, presumption against permission is not acceptable in the DSDC LDP or any other LDP that adjoins DSDC and covers the Sperrin Mountain ANOB as there must be an outright ban on the extractive industry in this area in line with the motions adopted in DSDC in relation to the matter of gold mining specifically and any other extractive, destructive mining and quarrying.

What has not been considered in this Policy, but what was mentioned in the Council's Overview, was the safeguarding of areas for mineral conservation. This would be necessary with the presence of

hydrocarbons, for example, which should be conserved, and not exploited, if we are to avoid the worst effects of climate breakdown.

The Strategic Environmental Assessment (SEA) is both incorrect and inconsistent regarding Mineral Reserve Policy Areas. In one instance it states that ‘None of the approaches [considered] were found to have any significant negative impacts.’ Yet then goes on to state ‘Both approaches are likely to be negative in terms of all of the environmental indicators because they will both involve a degree of quarrying which will have spin off impacts on traffic, landscape, air quality, water quality and on the landscape.’ It then concludes ‘However, there will be no major negative effects caused on any of the environmental indicators.’ As stated earlier, if baseline evidence on the environmental and social effects of existing and previous extractive projects has not been carried out, then an SEA of the potential environmental and social impacts of future activity cannot be relied upon.

Soundness Tests failed: P3, C2, CE2 and CE4

POLICY MIN 2 – EXTRACTION AND PROCESSING OF HARD ROCK AND AGGREGATES

13.24 and 13.25 ACMDs

Objection is made to the exceptions to the constraint on extraction in ACMDs. These areas are, as your document states: ‘areas of intrinsic landscape amenity, scientific, heritage value’, as well as fragile habitats for protected species. A ‘minor expansion’ is still unacceptably damaging

for these important areas and the provision of stone for restoration and maintenance could be sourced outside these areas in need of special protection.

We also argue that the ACMD should be amplified to include the entirety of the Area of Outstanding Natural Beauty which is the Sperrin Mountains.

Elsewhere

A call is made for an outright ban of new extractive projects in the Sperrins ANOB and in relation to elsewhere a moratorium is implemented until all the following criteria are met:

(a) A *cumulative* assessment on the impacts of all extractive industries in the DSDC area is carried out to develop a scientifically accurate *baseline* against which all future Environmental Impact Assessments for extractive industries can be reliably assessed

(b) A *review of extant consents* for extractive industries to comply with the legal requirements under Regulation 45, 46, 50, 51 of The Conservation (Natural Habitats, etc.) Regulations (Northern Ireland) 1995 to ensure compliance with Article 6 of the Habitats Directive, to be carried out.

(c) An *objective* assessment of existing *unregulated and un-assessed* extractive industries in the DSDC area to be carried out to enable DSDC to assess:

- Strategic need for further extraction
- Current volumes of extracted material (please note the annual minerals statement is not up to date and industry claims require independent verification)
- Human rights of communities affected by the industry
- Social impacts
- Economic impacts
- Environmental impacts

(d) An *independent economic assessment* to be carried out to assess the benefits and dis-benefits of extractive industries and which addresses all issues including:

- Bonds for councils
- Restoration planning
- Clean-up costs
- Contribution to local economy
- Economic damage to other industries
- Impacts on road infrastructure, public health, impacts of unlawful extraction on lawful businesses, etc
- Benefits and dis-benefits of existing extraction

(e) Art 18 of the Quarries Order (NI) 1983 requires a return to be made each year by quarries. Until this is carried out and the

figures assessed by DSDC it is premature to approve any new quarries without objectively validating current extraction and strategic need.

(f) ROMPS – The Review of Old Mineral Permission is carried out either by the Department for Infrastructure or a similar exercise independently by DSDC (Planning Act (NI) 2011 Schedule 2 and Schedule 3)

(g) An assessment of human rights impacts of existing and proposed extraction addressing

- Access to information, participation and access to justice/redress
- Right to life
- Right to pursue land-based livelihoods
- Right to food, water, housing
- Right to health
- Children's rights
- Cultural rights

DSDC should adopt a policy against the granting of retrospective permissions to extractive activities. Unauthorised EIA development can never be approved retrospectively.

Objection is made to any 'presumption in favour of hard rock and aggregates extraction and processing'. It is premature for your DSDC, MUDC, FODC and CCGDC to develop a robust, defensible and

comprehensive minerals policy until the issues listed above are resolved, legal obligations fulfilled, baselines established, and orderly planning is carried out.

There must be a presumption against the exploration and extraction of hydrocarbons and valuable minerals, including metalliferous minerals, because of the environmentally damaging methods of extraction that are not acceptable. The policy regarding ‘unconventional’ hydrocarbons should be extended to include all hydrocarbons, due to their contribution to climate change.

An objection is made to all mineral exploitation in the Sperrins ANOB and an complete ban on such activities needs to be introduced immediately.

To support our objection we list the following reasons:

Reason 1: There is sufficient gold in circulation at this time to meet the current industrial needs of the world. Furthermore, there are alternatives such as urban mining (mining existing waste or recycling) to recover gold and other valuable minerals.

Reason 2: A policy presumption in favour of mineral exploitation *“in any area”* that may be *“particularly valuable to the economy”* is exceptionally permissive and needs to be challenged by more sustainable policies in the DSDC LDP.

Reason 3: The economic evidence from around the world demonstrates that these industries extract wealth from local economies, can adversely affect jobs in tourism and agriculture and leave long term problems with often irreparable damage that has a negative impact economically.

Reason 4: With the introduction of the plan-led system the DSDC is not *obliged* to follow any permissive policy but rather has a duty to pursue DSDC policies in the DSDC LDP.

Reason 5: Given the criteria identified in the section above, a precautionary approach is needed which would enable the regulatory and legal context 'catch up'. Then, a robust planning framework can be established. To do otherwise and accept a permissive policy is premature.

Soundness tests failed: CE1, CE2, CE3 and CE4

The protection of the environment and human rights should be core minimum policies for the regulation of this sector through the planning regime. Learning from international best practice, we believe DSDC policies should:

a) Develop an overarching resource vision that transforms wealth into inclusive sustainable development. Whether to extract or to leave resources in the ground requires questioning of the

environmental, social and human rights costs and benefits for the country and future generations

b) Ensure a new mineral resource ownership strategy with the Department for the Economy and the Crown Estates is established and how these mineral rights align with other surface rights to land

c) Strengthen coherence and coordination with other regulatory bodies such as GSNI, Public Health Agency, NIEA and trans-boundary Agencies in the Republic of Ireland

d) Improve enforcement by DSDC for existing extractive industries especially existing unauthorised activities which are significant

e) Access to information, public participation and access to justice as required by the Aarhus Convention is a foundation to be established before new consents are issued. This will provide transparency and ensure an informed public can participate in decision-making and provide mechanisms to hold decision-makers to account.

f) A comprehensive strategy on restoration, financial bonds, and aftercare needs to be established

g) To give certainty and security to other land uses and the human rights of others, DSDC must address what are the acceptable distances of different types of extractive industries in relation to housing, farming, other land uses, schools and communities.

h) You will be aware of the UK commitment to the UN Sustainable Development Goals. I refer you to *Extracting Good Practices* from

the United Nations Development programme. International best practice should evidently inform DSDC Mineral Policies.

Exploration for high value metalliferous minerals can usually be carried out under the current permitted development rights. However, where planning permission is required, full consideration will be given to the potential environmental impacts and any risks posed to safety or human health', we call into question this assumption that permitted development rights are applicable for exploration of high value metalliferous minerals, and as such escapes assessment of the potential environmental and human health impacts.

In anticipation of the outcome of the Department for Infrastructure's consultation on the issue of permitted development, we feel it is necessary to draw DSDC's attention to concerns which have not been taken into account when considering Permitted Development Applications in respect of applications that fall under parts 16 and 17 of The Planning (General Permitted Development) Order (Northern Ireland) 2015 (GPDO).

Where any development is identified in either of the Schedules to the Planning (Environmental Impact Assessment) Regulations (Northern Ireland) 2017 and an Environmental Impact Assessment is applicable, Permitted Development rights do not apply (see Article 3(8)(b)(i) of the GPDO).

This provision states that permitted development is not granted in respect of developments of a description mentioned in column 1 of the

table in Schedule 2 to the EIA Regulations where any part of the development is to be carried out in a 'sensitive' area.

'Underground mining', 'deep drilling' and 'surface industrial installations' are all mentioned as activities within column 1 of the table in Schedule 2 to the EIA Regulations. Moreover, the Sperrins is classed as a 'sensitive' area within the meaning of the legislation, due to the fact that it is both an Area of Outstanding Natural Beauty and in the proximity to an SAC within the meaning of regulation 9 of the Conservation (Natural Habitats) Regulations (Northern Ireland) 1995.

Accordingly, Permitted Development rights should not be granted in respect of such activities within the Sperrin Mountains ANOB, without an EIA screening and a screening under article 6.3 of the Habitats Directive. It is clear that the cumulative impacts of exploration of metalliferous minerals require both a full Habitats Regulations assessment and an EIA.

Furthermore, the basic aim of permitted development is to exclude relatively minor and non-contentious development proposals from the requirement to obtain planning permission and to allow the planning department to concentrate on more contentious applications that may have greater impacts on amenity and the environment. In a comprehensive report to the Department regarding General Development Order in 2003, Nathaniel Litchfield and partners wrote, "permitted development should only be given to development which is marginal and incidental to existing uses of land". It is indisputable that exploratory mineral mining is not marginal or incidental.

POLICY MIN 1 – PEAT EXTRACTION

13.23 Peat

Objection is made to the fact that DSDC's LDP does not contain a presumption against the granting of permission for peat extraction given the perilous state of our planet at this time. A policy presumption against commercial peat extraction is expected and this should be included in the LDP. It should be noted that MUDC pointed out, our bogs are the most important carbon stores that we have, given our severe lack of woodlands, and thus must be afforded the highest protection possible. To this end, a more stringent policy on enforcement of infringements needs to be developed.

POLICY MIN 5 – RESTORATION OF MINERAL SITES

“All applications for mineral development must be accompanied by satisfactory proposals for: the final restoration scheme and proposed future land use;.....”. Clearly any extractive developments in the Sperrins ANOB are opposed but nonetheless it is acknowledged that the Policy Min 5 in DSDC LDP is the same as FODC but such only applies “where appropriate...” in MUDC. What does “where appropriate...” mean? How can adjoining District Councils have different specifications in their LDP when unfortunately the Sperrins ANOB is covered by 4 district Councils which is very unsatisfactory and should be addressed immediately.

POLICY MIN6 – MINES, SHAFTS AND ADITS

To be added to this policy, we wish to see a statement clarifying that disused mines, shafts and adits should not be used for the disposal of toxic or hazardous waste - for example, radioactive waste.

Failures of Soundness tests further explained

Procedural tests

P3 Has the LPD been subject to sustainability appraisal including Strategic Environmental Assessment?

The SEA is inadequate and reaches incorrect conclusions. As well as our reasons stated under POLICY MIN 1, it fails to take into account key information, evidence and legislation concerning environmental protection. When alternatives are presented there is insufficient analysis of what they mean or insufficient breadth in their scope that takes into account sustainable development, climate change and the principles and policies that underpin the Regional Development Strategy.

Alternatives are constrained by a 'development at any cost' ethic. There is in addition insufficient consideration of transboundary impacts of pollutants to the Republic of Ireland. For example, there is no analysis of the nitrates, ammonia and phosphates crises on protected sites or the significant deterioration in recent years of water quality. The duty to

restore protected European sites to favourable conservation status is not addressed in breach of the Habitats Directive and the duty to adopt a precautionary approach is ignored. Climate change and the need for mitigation and adaptation is not addressed in any meaningful or coherent way.

Consistency tests

C2 Did the council take account of its Community Plan?

No

C3 Did the council take account of policy and guidance issued by the Department?

The Northern Ireland Executive's, '**Everyone's Involved - Sustainable Development Strategy,**' (May 2010) aims to 'improve our society and communities and utilise our natural resources in an environmentally sustainable manner'. The Sustainable Development Strategy's intention is 'to address global issues such as climate change' and has 'living within environmental limits' as one of its guiding principles. As stated in many parts of our representation, the DSDC's draft LDP fails to align to this national strategy.

C4 Has the plan had regard to other relevant plans, policies and strategies relating to the council's district or to any adjoining council's district?

The document fails to address the impacts of mining and quarrying and intensive agriculture for neighbouring Council areas or the impact of those sites (existing and proposed) that are located in neighbouring Council areas on DSDC area. There is no consideration given as to how SEAs for these adjacent council areas will strategically align together.

Watersheds are shared between Northern Ireland and the Republic of Ireland and the cumulative impact of potential impacts from extractive industries and industrialised factory farms are not understood with the degree of scientific certainty needed to inform a robust planning process. In this regard ammonia, nitrates and ammonia pollution from DSDC area (from intensive agriculture) is likely to be adversely affecting the Republic of Ireland but nowhere are these land, air and water trans-frontier impacts assessed. This is in breach of the SEA Directive, ESPOO Convention and Gothenburg protocol. In this regard the Habitats Regulation is fatally flawed.

Coherence and effectiveness tests

CE1 The LPD sets out a coherent strategy from which its policies and allocations logically flow and where cross boundary issues are relevant it is not in conflict with the LPDs of neighbouring councils;

Throughout our representation we have identified where the policies within your LPD are not coherent, nor do they logically flow. Please see all points above for the particular details.

CE2 The strategy, policies and allocations are realistic and appropriate having considered the relevant alternatives and are founded on a robust evidence base;

There is a lack of evidence to underpin the DSDC's policies on Minerals. Particularly, as previously stated, there is no baseline data on previous and existing extractive activities in order to meaningfully undertake a Strategic Environmental Assessment on the potential environmental consequences of further extraction. There is also a lack of evidence to back up the economic arguments in favour of continued reliance on extractive industries.

CE3 There are clear mechanisms for implementation and monitoring;

Given the failure to monitor current extractive activities and the failure to implement enforcements for breaches, there can be no confidence that further extraction can be adequately monitored, nor restrictions implemented.

CE4 It is reasonably flexible to enable it to deal with changing circumstances.

The certainty that the breakdown of our climate will bring drastically changing circumstances is globally accepted by the vast majority of the scientific community. This is not, however, reflected in any way in the DSDC's draft Plan. We refer you again to our section on Climate Change.

This plan is not ready for IE and requires further public consultation

Yours Sincerely

Pauline McHenry-McGarry

Appendix 1

Home Wreckers: Finnish Study Finds Wind Turbine Infrasond Unsafe For Residents Living Within 15 Km

February 1, 2019 by [stopthesethings](#)



The Finns are renowned for their stoicism, but grinding, pulsing wind turbine noise is too much for any sentient being, even the Finnish.

The evidence proving the unnecessary damage done to wind farm neighbours by the noise generated by giant industrial wind turbines is mounting by the day: Germany's Max Planck Institute has identified sub-audible infrasound as the cause of stress, sleep disruption and more; and a Swedish group have shown that it's the pulsing nature of low-frequency wind turbine noise ('amplitude modulation') that is responsible for sleep problems in those forced to live with it.

Making a mockery of planning rules that permit giant industrial wind turbines to be speared within a thousand metres or so of residential dwellings, a Finnish study reckons that the safe setback distance is more like 15,000m.

Appendix 2

Energy and Climate Change Committee

Written evidence submitted by Yvonne Tinckler (SMR26)

There has been a decade of warnings from researchers, doctors, professors and governments, that WiFi is potentially harmful especially to children and pregnant women and should be reduced or avoided.

Experience of Smart Meter installation in the US and Australia has shown that a significant number of people are made extremely sick by them, so much so that Australia has WiFi free zones in several hospitals & those affected by WiFi are obliged to use these when needing hospital treatment.

Smart Meters will not be removable once they are installed. It will be extremely difficult if not impossible to avoid the effects of them in a neighbourhood even if they can be removed from an individual house (those individuals also having to reorganize heating/cooking/washing to cope without grid meters). Studies show 4–5% of the nation may have EMF hypersensitivity.

There is no doubt the lack of freedom to avoid the devastating effects of Smart Meters on a significant minority of individuals and consequently their families will contravene several Articles on the EU Charter of Fundamental Rights.

The Bioinitiative report has just been updated, and covers Smart Meters:
<http://www.bioinitiative.org/>

The Sage Report on Smart Meters, including letters from experts:
<http://sagereports.com/smart-meter-rf/>

May, 2011—World Health Organization (WHO) reclassifies microwave radiation from wireless communication devices and mobile phones as classification Class 2B “possible carcinogen.” This is the same class as lead, DDT and car exhaust. [Click here for CNN article](#) [Click here for Press Release](#) [Click here for Journal of Nature article](#)

May, 2011—The Council of Europe recommends WiFi be banned from schools. The Council of Europe has 47 member states and is highly influential in policy

February, 2011—Scientists at the National Institutes of Health in the U.S. find that microwaves emitted by cell phones cause changes in the brain. These biological changes are well below the “thermal level”.