



Derry City & Strabane
District Council
Comhairle
Chathair Dhoire &
Cheantar an tSrátha Báin
Derry Citty & Strabane
Destríck Cooncil

Our ref: CC/sf

8th April 2022

MPLconsultation@economy-ni.gov.uk

Dear Sir/Madam

RE: Mineral Development Act (Northern Ireland) 1969

I refer to your correspondence dated 14 January 2022 regarding an application reference MPLA1/22 from Dalradian Gold Limited for mineral prospecting rights under section 11 of the above Act in respect of an area located within Derry City and Strabane District Council. The 14 January 2022 letter states that the Department intends to grant licence MPLA1/22.

This matter was considered by the Environment and Regeneration Committee meeting of Derry City and Strabane District Council on 9 March 2022. The Council opposes the proposed grant of licence MPLA1/22. The Council does not formally object to the proposed grant of MPLA2/22, since only a very small part of that licence area is within the Council's area, but the points noted in this letter would apply equally to that proposed grant also and should be taken into account.

I note first that the consultation is in breach of s11(3)(c) of the 1969 Act. That requires that at least one place in the locality must be provided where maps identifying the land are available for inspection at all reasonable hours. Your letter of 14 January 2022 makes clear that this has not been done and that anyone within the Council's area who wishes to view the maps pursuant to s11(3)(c) must contact your office to make an appointment and travel to Belfast to view the maps. The 'public notice' published also states that inspecting a hard copy of the maps "can be done by appointment only". This breaches the statutory duty in s11(3)(c). This is an important and mandatory requirement.

The material provided to inform the **consultation** is woefully inadequate. It does not provide the persons consulted, including the Council, a fair and proper opportunity to understand fully the matters about which they are being consulted. The consultation does not give sufficient reasons for the proposed grant of the licences to allow intelligent consideration and response. What is proposed, both in relation to the licences and what is to be done under them, is wholly unclear. Virtually no information is provided to inform the consultation.

The "Consultation Overview" document purports to "provide consultees with an overview of both applications" but fails to provide any meaningful information about the applications.

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The consultation material provides no or no meaningful information as to what rights and powers the Department proposes to grant to the applicant. This is contrary to s11 of the 1969 Act. It also does not explain whether the Council is being consulted as a local authority, as a public body which might be materially affected by any activity likely to be carried on in the exercise of the rights and powers (and if so in relation to what activities), or as landowner (and if so in relation to what land). The Department should have ascertained this at the outset. The failure to do so reflects the generally fundamentally flawed approach to the consultation.

The “work programme” section of the application forms has been completely redacted so it is impossible to consider the proposed works and the environmental impacts they might have, let alone their geological justification. The four bullet points contained in the ‘Notification of Intention’ document in relation to MPLA1/22 are generic, unclear and meaningless in practice for the purposes of the consultation. Without more information on the work programme and scheme of prospecting, it is impossible to provide a meaningful response to this consultation.

No information at all is provided on *inter alia* the following matters:

- why the Department is proposing to grant the licences
- the proposed terms of the licences, including any additions to or departures from the model clauses
- the schemes of prospecting which it is proposed be included in the licences
- the minerals for which the prospecting will be undertaken (other than the very broad and effectively meaningless statement that “the current applications indicated that the exploration targets are base metals”)
- where the prospecting is likely to be undertaken
- how the environment might be affected by the activities and works to be permitted by the licences
- the “restrictions” and “mitigation measures” with which the licensee will be required to comply (as mentioned in the ‘Notification of Intention’ document)
- whether a parent company guarantee is being required and if so on what terms

Whilst the ‘Notification of Intention’ document refers in four bullet points to “some” of the “obligations in relation to environmental and other regulatory requirements”, no information is provided on what the other such obligations would be. Moreover, what is mentioned in the bullet points is so unclear and vague as to be meaningless. For example, nothing is said in relation to the second bullet point as to what “restrictions or mitigation measures” have been or are likely to be “notified”. Nor is anything said to explain to what “all best practices” in the third bullet point refers.

The ‘Notification of Intention’ document is also unclear and confusing. The third bullet point on the final pages says that a licensee must “reduce the environmental impact of exploration activity”, whereas the third paragraph on the first page of the document says that the Department will be “minimising the impacts on the environment”. Minimising environmental impacts is a stricter requirement than

reducing environmental impacts, and it is not clear which approach will be adopted in relation to the activities allowed under the licences.

Reference to the Department's document entitled 'How the Department for the Economy Assesses a Mineral Prospecting Licence Application' makes clear how little information has been provided with the consultation. Four examples of this can be given.

First, the document says that an applicant is required to provide a geological rationale for the proposed work programme, as well as a "phased and costed work programme", which "details the minimum amount of exploration work the applicant will carry out". Despite the document saying that "the work programme is a crucial part of the application and will form an important part of the MPL itself", the information has been redacted in the application forms and, as noted above, what information is provided is meaningless.

Secondly, the document also says that an applicant must demonstrate "appropriate environmental awareness" and that applications will be assessed in relation to "screening". The consultation material provides no information at all on the likely environmental impacts of the prospecting or on the screening which ought to have been undertaken. The screening should cover not only environmental impacts generally but also in particular comply with the requirements of the Conservation (Natural Habitats etc) Regulations (Northern Ireland) 1995.

Thirdly, the document also says that an application "cannot be considered to be a valid application until due process has been completed on the documentation submitted", which is to include "ensuring" that the work programme is "satisfactory" and that "Departmental Safeguards are met". However, the consultation material contains no information at all on the due diligence process the Department has undertaken or what the findings of that process were.

Fourthly, the document also says that GSNI will undertake a review of a licence application and provide advice to the Department on the application. Again, the consultation material provides no information on the view taken by GSNI when reviewing the application. The GSNI mineral licence application reviews for the licence applications have not been provided to inform the consultation.

Beyond GSNI, nothing at all is said in the consultation materials about whether other bodies (such as NIEA, DAERA, DfI Rivers, HED, etc) have already provided views on the applications and if so what those views were.

It is simply not possible for consultees, including the Council and members of the public, to ascertain how they and the environment might be affected by the grant of the licences, and the works and activities that the licences allow, and therefore to make informed responses to this consultation. The consultation is in breach of statutory duty and unfair under the common law.

The Council is concerned about the **environmental impacts** which the prospecting activities and works could have, depending on what is to be done and where, pursuant to the proposed licences. This encompasses, for example, impacts on habitats and species, as well as archaeological interests.

The potential for environmental impacts from mineral prospecting has been explained in detail in the evidence provided on behalf of the Council in the judicial review of licences OM4/19, DG3/19, and DG4/19. We refer you in particular to the affidavits of Karen Phillips, John Cowley and Jonathan Davies, which explains this in considerable detail and which ought to be treated as incorporated into this consultation response.

We also refer you to the affidavit of Mr Cowley in relation to there being no legitimate reason which necessitates keeping information out of the consultation on the grounds of commercial confidentiality.

The Council is also concerned about the absence of any **environmental assessment** in relation to the proposed grant of the licences.

When deciding whether or not to grant the licence, the Department will need to undertake an appropriate assessment under the Conservation (Natural Habitats etc) Regulations (Northern Ireland) 1995. It is neither lawful nor appropriate for this to be left to any later stage after the licences have been granted or to be done on a piecemeal basis for individual activities and works taken on their own.

The Department will also need to investigate, assess and consider carefully the likely environmental impacts of the prospecting works and activities, including in relation to ASSIs, and on the natural beauty and amenity of the countryside, and on flora and fauna and geological and physiographical features pursuant to Article 4 of the Nature Conservation and Amenity Lands (Northern Ireland) Order 1985. These impacts ought to be considered holistically prior to the grant of the licences, and not on a 'split' and partial basis after the licences are granted.

The Department must also investigate and consider the direct and indirect, individual and cumulative, effects (including inter alia damage to or disturbance of habitats and species, noise, visual impact, artificial lighting, water contamination or pollution, mobilisation of silts, sediment run-off, water abstraction, disruption of groundwater flows, archaeology, etc) of all potential prospecting works and activities which could be undertaken pursuant to the licences (including geochemical surveying, stream sediment sampling, geophysical surveying, rock and soil sampling, trenching, exploratory drilling, deep overburden sampling, airborne surveys, boreholes, excavations, adits, etc) on all potentially affected environmental receptors.


The licences will need to be subjected to enforceable conditions to ensure that environmental effects are avoided and minimised. The licences must also be drafted

to avoid post-grant variations or changes to works and activities being allowed, to ensure environmental impacts are properly considered before the grant of the licences. Otherwise, environmental assessment is avoided, and such assessment as might be done is not only postponed until after the grant of the licences but is also undertaken on a piecemeal basis thus avoiding consideration of the true environmental effects of the licences.

Overall, the process being adopted by the Department in this case avoids any meaningful consultation, and is set-up to avoid proper consideration of environmental effects of the prospecting activities and works and also to postpone and split such environmental assessment as is to be done. The department must start again and ensure that its decision making process is lawful.

I trust that these representations will be taken on board in respect of this application.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Conor Canning', written over a horizontal line.

Conor Canning
Head of Environment & Building Control

Strategic Planning Directorate



Department for

Infrastructure

An Roinn

Bonneagair

www.infrastructure-ni.gov.uk

[REDACTED]
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MPLconsultation@economy-ni.gov.uk

Clarence Court
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BELFAST
BT2 8GB
Tel: 0300 200 7830

Email: [REDACTED]

Your reference: MPLA1/22 and MPLA2/22

Our reference: STOF-0002-2022

06 April 2022

Dear [REDACTED]

RE: NOTICE OF INTENTION TO AWARD TWO MINERAL PROSPECTING LICENCES TO DALRADIAN GOLD LIMITED - APPLICATION REFERENCES MPLA1/22 and MPLA2/22

I refer to your email of 14 January 2022 notifying DfI Planning, in accordance with sub-sections 11(4) and 11(5) of The Mineral Development Act (Northern Ireland) 1969, of the Department of Economy's intention to grant mineral prospecting licences to Dalradian Gold Limited.

The Department is content that the regulatory system for planning in Northern Ireland provides the appropriate safeguards necessary to assess precious mineral exploration and extraction proposals effectively. The Department has therefore no comment to make on these applications.

For that applicant's reference I have attached information on the Valuable Minerals policies in the draft Plan Strategy (PS) in the emerging Local Development Plans for the council areas in which the applications are located. It should be noted that extant policy set out in the Rural Strategy for NI (MIN 4 – Valuable Minerals) is retained until as such times as these draft Plan Strategies are adopted for the respective council areas.

I hope that this information is of assistance to you.

Yours sincerely

A handwritten signature in cursive script that reads "Alistair Beggs." The signature is written in a dark ink on a light background.

ALISTAIR BEGGS
Director

From: [REDACTED]
To: [DfE MPL Consultation dfe-mpla](#)
Cc: [REDACTED]
Subject: PSCM/0009/2022 - Notification of Consultation MPLA1/22 & MPLA2/22
Date: 17 January 2022 08:06:53
Attachments: [Annex D Dalradian Gold Limited Map.PDF](#)

Good morning

Grateful if you would note a Nil return for DoF please.

Kind regards

[REDACTED]
[REDACTED]
[REDACTED]
Permanent Secretary's Office
Department of Finance
2nd Floor West, Clare House
Airport Road
BELFAST BT3 9ED
[REDACTED]
[REDACTED]



Save trees, think...do I really need to print?

All e-mails and attachments issued by the Permanent Secretary and the Permanent Secretary's Office must be filed appropriately by the responsible business area. The Permanent Secretary's office does not keep official records of such correspondence.

From: [REDACTED]
Sent: 14 January 2022 14:09
Subject: Notification of Consultation MPLA1/22 & MPLA2/22

Dear Sir/Madam

THE MINERAL DEVELOPMENT ACT (NORTHERN IRELAND) 1969
NOTICE OF INTENTION TO AWARD TWO MINERAL PROSPECTING LICENCES TO DALRADIAN GOLD LIMITED

APPLICATION REFERENCES: MPLA1/22 and MPLA2/22

The Department for the Economy has received applications from Dalradian Gold Limited for two Mineral Prospecting Licences under Section 11 of the above Act. The applications include lands situated in Counties Tyrone and Londonderry outlined as MPLA1/22 and MPLA2/22 on the attached map.

In accordance with sub-sections 11(4) and 11(5) of the Act, before reaching a decision on the matter, the Department is required to serve on your organisation notice of its intention to grant the licences and to take into account any representations which are made to it. Please note that the representations should be with the Department on or before **10 April 2022**.

Information relating to the consultation for both applications can be found on our website at: <https://www.economy-ni.gov.uk/consultations> by following the link to Mineral Prospecting Licences MPLA1/22 and MPLA2/22.

All representations should be submitted to the following email address: MPLconsultation@economy-ni.gov.uk and I would be grateful if you could inform us of any nil return.

Please note that your representation may be shared with the applicant.

Kind Regards

[REDACTED]

[REDACTED]
Minerals and Petroleum Policy
Department for the Economy
Dundonald House
Upper Newtownards Road
Belfast, BT4 3SB
[REDACTED]



NI APPRENTICESHIP WEEK 2022

7th - 11th FEBRUARY



Please consider the environment - do you really need to print this e-mail?



Comhairle Ceantair
Lár Uladh
Mid Ulster
District Council

Mid Ulster District Council
Planning Department
Local Development Plan Team
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Email – developmentplan@midulstercouncil.org

██████████
Minerals and Petroleum Branch
Room 9
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Upper Newtownards Road
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BT4 3SB

6th April 2022

Dear ██████████

THE MINERAL DEVELOPMENT ACT (NORTHERN IRELAND) 1969 – NOTICE OF INTENTION TO AWARD TWO MINERAL PROSPECTING LICENSES TO DALRADIAN GOLD LIMITED

APPLICATION REFERENCES: MLPA1/22 and MLPA1/22

Thank you for your letter dated 14th January, advising Mid Ulster District Council of the Departments intention to grant the above mentioned prospect licenses.

Whilst the Council note that the Department intends to grant these licenses, we would request that the contents of this representation, which is sent with the agreement of our elected members is given full consideration.

Whilst the prospecting licenses relate only to investigations by Dalradian, they do not represent any permission for development or extraction and therefore, the Council has limited planning grounds on which to object. However, on 26th October 2017, a meeting of Council devolved authority to Planning Committee to respond in relation to the matter of earlier prospecting licenses. It was resolved that we should respond not solely on the grounds of planning concerns but that our response should also reflect and be inclusive of the views of other stakeholders such as the local community.

We would ask the Department to recognise the heightened levels of fear and concern felt within local communities in this area over the issues surrounding gold mining and the activities of mining companies. We feel that community involvement

in every aspect of the statutory process involving the exploration of valuable minerals is something that should not be overlooked.

Mid Ulster District Council has adopted a previous position in relation to similar exploration licenses for Dalradian Ltd. and it is expressed below;

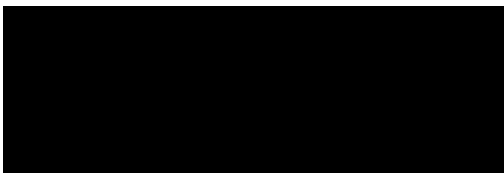
The Council objects to the proposed Mineral Prospecting license and also opposes the issue of all mineral prospecting licenses across the District. The reason for the Councils opposition is that offers no benefit to the local community and the issue of prospecting can cause division in communities and conflict among neighbours.

The elected members of the Planning Committee have expressed concern at the proliferation of these prospecting licenses. They are also concerned at accounts that following the grant of licenses at other locations, activity has extended beyond that permitted by these licenses and indeed, materials have been said to have been removed from the ground at other locations – activity that clearly goes beyond the remit of prospecting.

The members are concerned that the “cart is being put before the horse” with the continued granting of these licenses and are of the opinion that until a definitive outcome is achieved from the upcoming public enquiry into the proposed goldmining operation near Greencastle, that no further licenses should be granted at this stage.

If the Department proceeds with their intention to grant these licenses then the Councils position is that Dalradian should engage in more extensive community involvement such as mandatory notification being served on landowners prior to entering their land as well as prior notification being provided of overhead surveillance which can be intrusive and intimidating for local communities involved.

Yours Sincerely,

A large black rectangular redaction box covering the signature of the Service Director.

Service Director – Planning