

The Planning Appeals Commission (PAC)

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[REDACTED]  
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[REDACTED]  
Email: [REDACTED]

01/12/2025

**Re: The conjoined local public inquiries including files 2021/C005, 2021/C006 and 2021/C007.**

Dear Commissioners, dear Attorney General,

Having received no substantive response to my email of 3<sup>rd</sup> November 2025 in relation to my concerns about the public local inquiry process in respect of the Dalradian proposals, the information indicated in your previous email of 14<sup>th</sup> October 2025 suggests that submissions must be made by 4<sup>th</sup> December.

It is regrettable that lessons from mistakes made in the previous public inquiry have not been learned, because I find myself making a second submission on the same proposals in the context of a lack of official information about how I am to engage with the inquiry process. In the meantime, various developments have been reported in the press but regrettably not communicated to parties by the PAC, including about the [REDACTED]

[REDACTED]  
[REDACTED]

I remain deeply concerned that this form of "trans-boundary" interference has been permitted while the PAC is only now taking in trans-boundary considerations from the Republic of Ireland, and in so doing is unlawfully limiting the scope of engagement and information with relevant parties here. Indeed, the requirements set out in your email for Irish

citizens to engage with the planning process are onerous, confusing and illogical. For example, it is not clear that inputs given earlier this year are still going to be included in the considerations to be made by the PAC. Further, submissions in excess of 2500 words are in one sentence disallowed and in the next sentence allowed as long as there is an "executive summary". There is a ludicrous requirement to send ten paper copies in addition to an electronic submission. Such onerousness and confusing instructions make it very difficult for interested parties to engage with confidence in the planning system in Northern Ireland.

For these reasons, and the reasons set out in my email of 3<sup>rd</sup> November 2025, I want to register my concern that the PAC does not appear to have the administrative capacity to conduct this inquiry, which is seemingly being progressed in clear breach of the statutory requirements set out in my previous email.

I attach a submission on behalf of my party Rabharta which is increasingly concerned that local authorities, state agencies and government departments in Ireland are not being given proper access to this planning proposal of major environmental, social, economic and spatial relevance to the whole island. I also attach my email of November 3<sup>rd</sup> and have sent ten copies as requested by registered post to the address indicated.

I want to underline my profound opposition to this proposal and its [REDACTED] by Executive Departments in Northern Ireland and by the PAC and supply the attached supporting information in submission to the inquiry.

I have copied the Attorney General for Northern Ireland into this correspondence, and request that the Attorney General urgently address the PAC's and relevant Northern Ireland Executive Departments' [REDACTED] in respect of this planning matter of international, ecological and social significance. Competent authorities for industrial planning processes must abide by the rule of law across all of the jurisdictions affected. It is clear already that this planning process is in flagrant breach of numerous statutory requirements, and it is the responsibility ultimately of the Northern Ireland Executive to uphold the rule of law.

Yours sincerely,

[REDACTED]

[REDACTED]

## Appendix 1



23/04/2025

RE: LA10/2017/1249/F

To Whom it may concern,

Please find below comments for consideration in the transboundary consultation on the Curraghinalt project i.e. Dalradian's application to mine the Sperrin mountains for gold using environmentally damaging methods that will affect air, water and natural resources on a cross-border basis.

I am making my contributions in my role as a formerly elected local representative in Cork city. In this role, a motion was passed unanimously by the council, representing as it does a metropolitan population of 305,000 people. The following motion was passed on September 12th 2022 with colleagues of the present Minister for Infrastructure, Liz Kimmins of the Sinn Féin party speaking in favour of my motion of writing to then minister for Communications, Energy and Natural Resources, Minister Éamon Ryan. The letter that was sent expressed our policy opposition, as a democratically elected organisation, to the issuing of mining licences in any part of the bio-geographical unit of the island of Ireland in line with the commitments to environmental co-operation recognised in [the revised protocols of the withdrawal of the UK from the EU](#).

25. **MOTIONS**

25.1 **PROSPECTING LICENCES**

‘That Cork City Council writes to the Minister for Communications, Energy and Natural Resources to ask that in light of the climate emergency declared by Cork City Council in 2019, that they refrain from issuing any further prospecting licences for mining. In this letter the Council shall express solidarity with campaigns against goldmining in the Sperrin mountains, Co Tyrone and in Counties Leitrim and Donegal where the Government and Minister addressed is issuing prospecting licenses against the democratic will of Leitrim County Council and through this act is actively detrimental to both of these shared environmental struggles.

A copy of this letter shall be sent in solidarity to Leitrim County council, Donegal County Council, Derry City & Strabane Council, Fermanagh and Omagh District Council and Mid Ulster District Council.’

(Proposer: Cllr. [REDACTED] 22/377)

I welcome the belated recognition from the Department of Infrastructure that they were in fact obliged to consult on a transboundary basis, and that in future such matters as they relate to environmental protection are in practice issues that interest and affect everyone who lives on the island of Ireland. As democratically evinced by the intervention of Cork City Council and the Sinn Féin party on this specific matter.

I further wish to bring to the attention of the Department of Infrastructure the [report of \[REDACTED\] BSc MSc FCIEEM CEcol CEnv written for Fermanagh and Omagh district council outlining the biodiversity concerns attached to this project.](#)

This report among others points to potential groundwater contamination from the Curraghinalt Gold Project in County Tyrone, Northern Ireland. As well as identifying serious weaknesses in the environmental screening and assessments carried out by Dalradian throughout. Given the significant scientific uncertainty and environmental risks, it is imperative that all regulatory bodies invoke the Precautionary Principle in their assessment of Dalradian’s planning application.

Key concerns include but are not exhaustively:

Nitrate & Ammonia Contamination

Arsenic Contamination

Drinking Water Catchment Risks

Transboundary Water Pollution

Public Health Crisis Risk (including cancer, reproductive issues and issues affecting vulnerable populations)

Groundwater Contamination Risks

Because these concerns exist and have been enumerated in several ecological reports, it is incumbent that the Department of Infrastructure apply the precautionary principle in its decision-making around this project. Specifically as it relates to granting permission for a mining-process that may at some point include the use of arsenic.

The issue of possible arsenic contamination as a result of the use of arsenic for processing gold is something that the company Dalradian began to deny in 2019. However, I draw the attention of the department to a global economic reality that alternate locations for processing, either are subject to tariffs such as locations in the USA, and that other locations such as China have banned any mining concentrate with over 0.5% arsenic, meaning Dalradian's gold production would face major export barriers unless costly treatment is undertaken at the extraction site. Given the economic landscape it is not adequate to say that this dangerous processing of the mineral will always occur elsewhere and no such planning condition can be applied.

The Precautionary Principle is embedded in:

The Water Framework Directive (2017) – Protects water quality and groundwater bodies.

Groundwater Regulations (Northern Ireland) 2009 & 2016 – Prohibit groundwater contamination and mandate strict impact assessments.

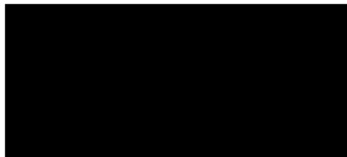
UNECE Water Convention on Transboundary Water Pollution – Requires cooperation on pollution affecting cross-border water bodies.

Given the scientific uncertainty and high risks involved, all regulatory authorities are legally and ethically obligated to enforce the Precautionary Principle and deny any approval until all risks are fully assessed, mitigated, and eliminated.

What I hope to have made clear in my commentary on this particular project is that without the Precautionary Principle in full effect, the proposed mining operations could trigger a catastrophic environmental and public health crisis, violating legal obligations under national, EU, and international environmental laws.

Moreover the precautionary principle is served only when the full geographical impact of the gold mine proposal is taken into account, affecting as it does citizens and territory in several local authority areas across two jurisdictions. Without proper consideration for the scale of the proposal, its regional impact is at risk of not being understood at the appropriate governance levels in the Irish Republic I.e. local, regional assembly and national levels including state agencies such as An Bord Pleanala and the Environmental Protection Agency. As a member of Cork City Council I was able to highlight these concerns to the relevant minister at the time, but it remains the responsibility of the Northern Ireland Executive to ensure that the proper consultative process has taken place at the appropriate levels in a cross-border fashion from the ground up.

Many thanks for considering my comments on this project, I am available to provide further information if required.



Rabharta: The Party for Workers and Carers



## **Appendix 2**

To: The Planning Appeals Commission (PAC)

Park House,

87-91 Great Victoria Street,

Belfast, BT2 7AG

Email: [info@pacni.gov.uk](mailto:info@pacni.gov.uk)

**Subject: Formal Objection to PAC's Refusal to Permit Live Access, Recording, or Transcripts – Dalradian Gold Public Inquiry (Ref: LA10/2017/1249/F)**

Dear Commissioners,

I write as a resident of the Republic of Ireland who has a direct and legitimate interest in the Dalradian Gold planning application and associated public inquiry, given its recognised transboundary environmental implications under the Espoo Convention, Aarhus Convention, and the Environmental Impact Assessment (EIA) Regulations (Northern Ireland) 2017.

It has come to my attention that the PAC has confirmed that no live streaming, audio recording, transcripts, or remote participation will be permitted during the Dalradian inquiry proceedings. This position is, with respect, legally unsustainable, procedurally discriminatory, and incompatible with the United Kingdom's obligations under both domestic and international law.

### **1. Breach of Transboundary Participation Rights**

The Dalradian project lies within the River Foyle catchment, which flows directly into the Republic of Ireland, and has been formally recognised as a transboundary matter under the Espoo Convention on Environmental Impact Assessment in a Transboundary Context (1991).

Under Article 3 and Article 6 of Espoo, and Articles 6, 7, and 9 of the Aarhus Convention, affected members of the public in neighbouring States must be afforded equivalent rights

to participate and access information as those granted to residents of the State where the project is proposed.

By refusing to permit remote or live access for cross-border participants, the PAC is creating a two-tier public participation system which disenfranchises EU citizens in the affected catchment and obstructs effective transboundary consultation — contrary to:

Espoo Convention Articles 2(6), 3(8), and 6(1).

Aarhus Convention Articles 3(9), 6(2)–(9), and 9(4); and

Directive 2011/92/EU (as amended by Directive 2014/52/EU), Articles 6–8, which remain binding through the UK’s continuing international treaty commitments.

## **2. Denial of Access to Environmental Information**

The PAC’s refusal to allow recording, transcripts, or livestreaming effectively denies access to environmental information as defined by Article 2(3) of the Aarhus Convention and Regulation 2(1) of the Environmental Information Regulations (NI) 2004.

This amounts to a breach of the right to receive and impart information “without discrimination as to nationality” under Article 3(9) Aarhus. The European Court of Justice (e.g. Case C-240/09 Lesoochranárske zoskupenie VLK) has made clear that Member States and their competent authorities — and by extension, UK bodies bound by the Convention — must not restrict participation or access to information to residents only.

Such restrictions are also incompatible with Article 10 of the European Convention on Human Rights, read with Article 6(1) (right to a fair and public hearing), both of which are given effect through the Human Rights Act 1998.

## **3. Failure to Ensure Equitable and Accessible Public Participation**

Under Article 6(3) of the EIA Directive (2011/92/EU), Member States must ensure that the public concerned is given early and effective opportunities to participate, including via modern communication technologies where physical attendance is impractical.

The PAC’s decision not to provide digital or hybrid access — despite having the technical capacity and precedent from numerous UK inquiries conducted in hybrid or virtual form post-2020 — fails the test of accessibility and proportionality.

It also breaches the Aarhus Implementation Guide (2014), paragraph 85, which requires authorities to “use appropriate and practical means to facilitate participation for those who cannot be physically present, especially in transboundary contexts.”

#### **4. Consequences and Requested Action**

If the PAC persists in denying live access, transcripts, or recordings, it will be acting ultra vires, contrary to:

Section 75 of the Northern Ireland Act 1998 (duty to promote equality of opportunity and good relations across jurisdictions).

Article 6 ECHR (public hearing and access to justice).

Articles 6–9 of the Aarhus Convention (participation and access to justice); and

The Good Friday / Belfast Agreement (1998), which enshrines cross-border cooperation and parity of esteem between communities on both sides of the border.

I therefore urge the Commission to immediately reconsider this exclusionary position and to implement live streaming, transcripts, and/or hybrid access arrangements to ensure full compliance with these legal and human-rights obligations.

Failing that, I will be requesting that the Government of Ireland — through the Department of Environment, Climate and Communications (DECC) and the Department of Foreign Affairs (DFA) — review this matter under EU and international law, including referral to the European Commission and Aarhus Convention Compliance Committee, to protect my rights as an EU citizen and resident of the potentially affected transboundary region.

#### **5. Requested Confirmation**

Please confirm by return:

1. Whether the PAC will now permit live streaming, recording, or official transcripts of the Dalradian inquiry.
2. Whether the Commission has consulted DAERA, DfI, or the Espoo Focal Point in relation to cross-border participation arrangements.

3. Whether written submissions from Irish residents will be treated on an equal footing with those of Northern Ireland residents and stakeholders.

I would appreciate an acknowledgement of this correspondence and a formal written response suitable for onward transmission to the relevant authorities in Dublin and Brussels.

I finally wish to note that I made a substantial submission to proceedings and I have been requested to provide an additional statement of evidence in order to participate by 4pm on December 4th. I consider this to be an onerous exercise which in effect is an additional barrier to my participation.

Yours faithfully,

[REDACTED]

[REDACTED]

Resident, Republic of Ireland

[REDACTED]