

Rebuttal to the Statement of Case for the Proposed Abandonment of Crockanboy Road

1. Accessibility Concerns for People with Disabilities

- **Inaccessible Alternative Route:** The proposed alternative route has significant elevation variations, unlike the existing Crockanboy Road, which offers a flat, accessible path. This inconsistency in elevation poses challenges for elderly and disabled community members who rely on Crockanboy Road for its level terrain, making the new route unsuitable for those with mobility issues. (Reference: "Like for Like")
- **Legal Non-Compliance:** The abandonment fails to meet accessibility requirements outlined in the Equality Act 2010 and the United Nations Convention on the Rights of Persons with Disabilities (CRPD). By proposing an alternative that does not offer comparable access, the abandonment disregards the rights of individuals with disabilities, potentially constituting discrimination. (Reference: "The Impact of Crockanboy Road Abandonment on People with Disabilities")

2. Environmental Hazards and Risks

- **Pollution Threat to Protected Ecosystems:** The plan to discharge road surface water into the Pollanroe Burn, which flows into the Owenreagh River, threatens local biodiversity. The Pollanroe Burn serves as a breeding ground for protected species, and the direct discharge of pollutants could harm fish populations and disrupt the delicate ecosystem. The NIEA Water Quality Inspectors' findings on similar cases of pollution substantiate the risk of environmental degradation. (Reference: "Potential of Pollution")
- **Proximity to Tailings Facility and Air Quality Concerns:** The proposed road runs near a tailings facility, exposing road users to potential air pollution carried by prevailing northwest winds. This poses a health risk, particularly to vulnerable groups such as children, the elderly, and individuals with respiratory conditions, contradicting public health protections under the Clean Air (Northern Ireland) Order 1981. (Reference: "Health and Safety")

3. Historical and Cultural Significance of Crockanboy Road

- **Connection to Historical Events:** The road intersects with the historic Green Road, associated with events like the Flight of the Earls in 1607 and the Battle of Formaeil. This route holds cultural value as it embodies the area's heritage and historical identity, and abandoning it would erase part of this rich cultural landscape. (Reference: "Green Road Section")
- **Importance of Mass Rocks:** Mass rocks in the area, used during times of religious suppression, remain sacred to the local Catholic community. These rocks symbolize resilience and faith, and maintaining access to them is vital for the community's cultural and spiritual heritage. (Reference: "Mass Rocks")
- **Turbary Rights:** The abandonment jeopardizes turbary rights traditionally exercised by local nationalist communities, reflecting a broader disregard for their historical and cultural ties to the land. These rights are integral to the community's identity and autonomy, symbolizing a

historical resistance to socio-political marginalization. (Reference: “Turbary Rights and Their Significance for Native Nationalist Communities in Ireland”)

4. Health and Safety Risks Associated with the Tailings Facility

- **Inadequate Infrastructure for Extreme Events:** The tailings facility lacks drainage systems capable of withstanding extreme weather events. This poses a risk of tailings overflow, with potential for catastrophic consequences for nearby communities. Additionally, the tailings facility design fails to meet international safety standards, which raises concerns about the Department's due diligence in approving a road near such a facility. (Reference: “Health and Safety”)
- **Risk of Liquefaction and Structural Failure:** Without adequate compaction and with a high potential for resaturation, the tailings dam may become unstable, increasing the likelihood of liquefaction during heavy rains. This instability endangers local residents and road users who would be vulnerable in the event of a structural failure. (Reference: “Health and Safety”)

5. Discrimination and Social Justice Implications

- **Impact on Nationalist Community Rights:** The proposal's perceived disregard for the rights of the predominantly nationalist community may reflect a discriminatory approach to land access and use. This has exacerbated historical grievances, as unionist parties have supported the abandonment proposal, further alienating the nationalist community by eroding their rights to the land. (Reference: “Turbary Rights and Their Significance for Native Nationalist Communities in Ireland”)
- **Violation of the Aarhus Convention:** The Aarhus Convention requires inclusive, transparent decision-making processes that allow public participation, especially for projects with significant environmental and social impacts. The abandonment process lacks adequate public engagement, overlooking objections from those most affected and failing to respect the community's right to information. (Reference: “Cover Letter”)

6. Alternative Road Does Not Meet “Like for Like” Standards

- **Discrepancies in Road Quality and Feasibility:** The alternative route does not provide the same accessibility, safety, or usability as Crockanboy Road. The existing road is a cherished community route used by walkers, cyclists, and individuals with disabilities, providing easy access without steep inclines. The Department's consideration of this alternative does not account for these factors, ignoring the road's unique role as a communal and accessible route. (Reference: “Like for Like”)
- **Community Appeal for Equitable Road Standards:** Community members have called for an evaluation of the alternative's elevation data and a site visit to assess its feasibility. By ignoring these requests, the Department risks endorsing a road that does not fulfill the community's needs, violating the principle of equitable infrastructure provision. (Reference: “Like for Like”)

Additional Illogical Arguments in Dalradian's Statement of Case

In reviewing Dalradian Gold Ltd's Statement of Case (SoC) for the abandonment of Crockanboy Road, several flawed assumptions and inconsistencies become apparent. These arguments reveal a disconnect between the proposal's objectives and the actual needs and values of the community. The following points address these illogical arguments:

Underestimating Existing Road Usage

Claim: The SoC implies that Crockanboy Road is underutilized, primarily serving farmland access and occasional recreation.

Counterpoint: This reasoning is unsubstantiated and dismisses the road's value to a diverse group of users, including pedestrians, cyclists, and residents who rely on it as a safe and accessible route. The claim of "limited use" lacks supporting traffic data and community feedback, which would demonstrate the road's essential role for locals and its value beyond industrial metrics.

Assumption of "Improvement" with New Road Design

Claim: Dalradian asserts that the new road's design standards make it an improvement over the current road.

Counterpoint: Framing the new road as an improvement ignores the unique needs of community members who use Crockanboy Road for safe, pedestrian-friendly access. While the new road may meet industrial standards, it does not serve the same purpose for local residents, especially the elderly and those with disabilities. True improvement would enhance accessibility and safety for all users, not just heavy industrial traffic.

Environmental Impact Minimization

Claim: The SoC suggests that environmental impacts have been considered and mitigated in the new road's design.

Counterpoint: This claim underestimates serious pollution risks posed by direct discharge into the Pollanroe Burn, a breeding ground for protected species. Given past incidents of significant environmental damage from similar infrastructure, this assurance of minimal impact is unsubstantiated and dismisses the ecological importance of these habitats. The proposal lacks a realistic assessment of the environmental consequences.

Assumed Compliance with Local Needs and Standards

Claim: Dalradian cites DfI Roads' approval as proof that the new road meets local standards and needs.

Counterpoint: Regulatory approval for engineering standards does not equate to meeting the specific needs of the local community. DfI Roads' review focuses on technical compliance rather than on accessibility, cultural preservation, and environmental considerations crucial to the community. This assumption conflates regulatory compliance with comprehensive suitability for all stakeholders.

Framing of Abandonment as Beneficial to Community Safety

Claim: The SoC suggests that the abandonment of Crockanboy Road will enhance community safety by removing an older, “less formal” road.

Counterpoint: This assumption is flawed, as it implies that removing a well-used community route and replacing it with a potentially hazardous industrial road is in the best interest of the public. A true focus on safety would involve upgrading or maintaining Crockanboy Road rather than eliminating it. Furthermore, the new road’s proximity to the tailings facility introduces air quality concerns, especially for vulnerable populations, raising questions about its actual safety.

Ignoring Cultural and Spiritual Loss

Claim: The SoC downplays or entirely omits the cultural and historical significance of Crockanboy Road, including access to mass rocks and the Green Road.

Counterpoint: This approach disregards the road’s deep cultural value to the community and its role in maintaining access to spiritually and historically significant sites. Crockanboy Road’s importance goes beyond function, serving as a link to local heritage and identity. By failing to address these aspects, the SoC presents an incomplete and insensitive view of the road’s impact on community life.

Assumption that Industrial Use Takes Priority Over Community Needs

Claim: The SoC assumes that community members will accept a road optimized for industrial use as an adequate replacement for Crockanboy Road.

Counterpoint: This assumption neglects the community’s clear opposition to prioritizing industrial convenience over local needs. An industrially optimized road does not fulfill the essential role Crockanboy Road plays for residents, which includes safe pedestrian access, recreational use, and proximity to historical sites. Community needs should logically take precedence, especially for infrastructure intended to serve local, everyday users.

Conclusion

The proposed abandonment of Crockanboy Road raises critical concerns about accessibility, environmental protection, cultural preservation, health and safety, and social justice. Each of these factors warrants a reconsideration of the abandonment proposal:

- **Accessibility Review:** Ensure the alternative road complies with accessibility standards, respecting the rights of elderly and disabled community members.
- **Environmental Safeguards:** Reevaluate the potential pollution and air quality impacts on local ecosystems and residents, applying the precautionary principle to protect vulnerable populations.
- **Cultural and Historical Preservation:** Recognize the cultural significance of Crockanboy Road, its ties to historical events, and its religious importance to local Catholics.
- **Health and Safety Precautions:** Conduct a thorough risk assessment for road users near the tailing’s facility, ensuring compliance with international safety standards.

- **Social Justice and Equality:** Engage with the local nationalist community to address their concerns about turbary rights and perceived discriminatory impacts of the abandonment.

This rebuttal underscores the need for a comprehensive review of the abandonment proposal, urging the commission to recommend the Department of Infrastructure to prioritize the rights, safety, and well-being of the community and environment over industrial interests.

The referenced material in this rebuttal is all from documents which have previously been send to the PAC as carbon copied to the Dfi roads division assessment of the road abandonment:

Yours sincerely

Communities against Mining