

Statement of Case for the Proposed Road Abandonment Order (2021/DR001)

2021/DR001 – a Public Local Inquiry for a proposed road abandonment order for part of the Crockanboy Road for application (IN1-21-5706) under paragraph 4 of Schedule 8 of the Roads Order (Northern Ireland) 1993 on behalf of Dalradian Gold Ltd.

Executive Summary

This statement opposes the proposed road abandonment of part of Crockanboy Road as part of application IN1-21-5706 by Dalradian Gold Ltd. This opposition is based on various concerns, including the historical and cultural significance of the road, health and safety issues, environmental impacts, accessibility challenges for disabled individuals, and the impact on local communities' turbary rights. This document will argue that the road abandonment should not proceed due to its adverse effects on the local population, the environment, and cultural heritage.

My Statement of case is also based on the document titled **Curraghinalt Project CPLI rev1** (my source document containing supporting information) that [REDACTED] sent to PAC, NIEA, DfI (Planning), and DAERA on 17/10/2024 at 18:08. This document outlines numerous failures and the absence of essential documentation that prevent adequate public participation in the inquiry process. This entire contents of this document forms part of my statement of case.

In addition, DfI Planning in a letter to PAC 15th Oct, has admitted to **not meeting legal requirements** in relation to key assessments, such as the Habitats Regulations Assessment (HRA), which it now seeks to introduce as a draft document after the rebuttal stage. This belated action, seven years after the initial planning application, further demonstrates the procedural irregularities that have plagued this inquiry. This entire process must be aborted. This department has shown gross incompetence and negligence throughout. In this letter of 15th Oct the tone and manner it was written in demonstrated a "bullying" tactic. It demanded that the PAC should inform all that it was independent and takes a neutral stance – despite going on to dictate how the PAC should conduct its business and even interpret legal precedence.

1. Introduction

The proposal for the abandonment of Crockanboy Road is part of a broader infrastructure project linked to the Dalradian Gold mine development in the Sperrins region of Northern Ireland. The road is a vital connection for local residents, particularly those with disabilities, and serves as a link to culturally and historically significant areas. Abandoning this road would lead to significant negative consequences for the local community, heritage sites, and the environment. This statement draws on several documents to highlight the issues that make the abandonment unsuitable and detrimental to the community.

2. Historical and Cultural Significance

2.1 Historical Importance of Crockanboy Road

Crockanboy Road is a historic route that has been in use for centuries. It is part of a larger network of roads that are tied to the region's cultural heritage. As detailed in the provided "Green Road" document, Crockanboy Road is connected to significant historical events, such as the Flight of the Earls in 1607, and it intersects with areas of deep cultural and historical importance.

The road's historical significance also includes its association with mass rocks, important to the Catholic community as sites of worship during times of persecution. Abandoning this road would sever access to these significant historical and cultural landmarks, particularly for local communities who rely on the road to maintain connections with their heritage.

2.2 Turbary Rights and Nationalist Communities

Turbary rights, which grant local residents the right to cut turf from common land, are deeply intertwined with nationalist identity and cultural history in Northern Ireland. The abandonment of Crockanboy Road would disrupt access to lands where these rights are exercised. For many local residents, particularly from nationalist communities, these rights are a symbol of their historical connection to the land and their resistance to political marginalization. The road's closure would, in effect, undermine this important aspect of cultural identity.

3. Health and Safety Concerns

3.1 Risk to Road Users

The proposed alternative road presents significant health and safety concerns, particularly regarding air quality. According to the "Health and Safety" document, the location of the alternative road near a dry stack tailings facility poses air pollution risks to road users, especially vulnerable populations such as children, the elderly, and people with respiratory conditions. The prevailing wind patterns in the area would carry pollutants from the tailings facility to the alternative road, creating a health hazard for those using it.

Moreover, the current road offers a safe, level surface that is accessible to people with mobility issues. The alternative road, however, includes significant elevation variations that make it unsafe and unsuitable for individuals with disabilities.

3.2 Water Pollution Risks

The abandonment of Crockanboy Road and the construction of a new route pose risks to local watercourses. The "Potential of Pollution" document highlights the risk of road surface water discharges polluting the Pollanroe Burn, which serves as a breeding ground for protected species. This environmental risk is heightened by the history of pollution incidents in similar projects, such as the A6 dual carriageway case, where suspended solids and pollutants significantly harmed local rivers and wildlife.

4. Accessibility Issues for Disabled Individuals

4.1 Impact on Disabled Community

Crockanboy Road has long been a vital route for individuals with disabilities, providing access to the countryside for recreational and mental health benefits. The road's consistent elevation and smooth surface make it ideal for people with mobility challenges, including wheelchair users. In contrast, the proposed alternative road, with its steep gradients, would be inaccessible to many people with disabilities, effectively excluding them from using this important public space.

The abandonment of this road would violate the rights of disabled individuals under both the Equality Act 2010 and the United Nations Convention on the Rights of Persons with Disabilities (CRPD), which mandate equal access to public spaces. Failure to provide a comparable, accessible route would constitute discrimination against disabled individuals, exacerbating feelings of isolation and exclusion.

5. Environmental Impact

5.1 Threats to Local Ecosystems

The road abandonment project poses significant environmental risks, particularly to the local watercourses and protected habitats. The Pollanroe Burn, which would be affected by the road project, is home to several protected species and serves as an important breeding ground. The proposed drainage solutions, which involve discharging road surface water into the burn, threaten to introduce pollutants that could harm the local ecosystem. Previous cases, such as the A6 dual carriageway, demonstrate the real risks associated with water pollution from road construction projects.

5.2 Loss of Green Spaces and Heritage Sites

The abandonment of Crockanboy Road would also result in the loss of important green spaces used by the local community for recreation and cultural purposes. The road provides access to mass rocks, which hold significant spiritual value for local Catholics. The loss of these spaces would have a detrimental impact on the cultural and spiritual life of the community, further highlighting the unsuitability of the road abandonment proposal.

6. Conclusion and Recommendations

In conclusion, the proposed road abandonment order for part of Crockanboy Road should be rejected due to its adverse impacts on the local community, environment, and cultural heritage. The abandonment of this road would disproportionately affect vulnerable populations, including people with disabilities, while posing significant health

and environmental risks. The road's historical and cultural significance, particularly in relation to mass rocks and turbary rights, underscores the importance of preserving it for future generations.

The Department for Infrastructure should re-evaluate the proposal with the following recommendations:

1. **Preserve Crockanboy Road:** Retain the current road to ensure continued access for disabled individuals and to protect the local community's cultural heritage.
2. **Conduct a Comprehensive Health and Environmental Assessment:** Carry out a detailed assessment of the health risks associated with the proximity of the tailings facility and the environmental impact on the Pollanroe Burn and other local ecosystems.
3. **Consult with Local Communities:** Engage in meaningful consultation with local residents, including disability advocacy groups and representatives of nationalist communities, to ensure their rights and needs are fully considered.

By addressing these issues, the Department can ensure that the road abandonment does not proceed in a manner that harms the local community and environment

References and supporting information

1. **Roads (Northern Ireland) Order 1993:** This is the primary legislation governing road abandonment in Northern Ireland. Under Article 68(1) and (5) of the Order, roads can only be abandoned when the Department for Infrastructure deems them no longer necessary for public use and alternative facilities are available. This order was referenced in multiple abandonment cases, such as *The Carrickmannon Road*, *Crossgar* and *The Dungannon Road*, *Portadown* abandonment orders. In those cases, the roads were determined to be non-essential due to the availability of alternative routes and lack of public objections
2. **Equality Considerations:** The road abandonment could also be challenged under **Section 75 of the Northern Ireland Act 1998**, which requires public authorities to promote equality of opportunity. This includes ensuring that individuals with disabilities have equal access to public spaces. The impact on disabled users, as detailed in your document regarding Crockanboy Road, could be a significant basis for arguing that the road abandonment violates their rights
3. **Environmental Impact:** Based on previous pollution cases, such as the one related to the construction of the A6 dual carriageway, you can cite the *Water (Northern Ireland) Order 1999*. This legislation was used to prosecute contractors for pollution caused by road construction. If the proposed road abandonment leads to environmental degradation, especially of protected watercourses, this precedent could be applicable
4. **Public Consultation and Objections:** In several abandonment orders, like the *Carrickmannon Road* and *Dungannon Road* cases, the absence of public objections played a crucial role in the approval of abandonment. It is essential to demonstrate that objections were raised by the local community, particularly regarding access to historical and cultural sites like mass rocks, as well as the potential impacts on vulnerable groups