

Save Our Sperrins Rebuttal of Dalradian Gold's SoC in respect of Road Abandonment

November 2024

Introduction

Save Our Sperrins rebut Dalradian Gold's Statement of Case on Road Abandonment in its entirety. It fails to understand and appreciate the relationship and importance to the local community of the road for abandonment by Dalradian Gold and the Department for Infrastructure. Dalradian's consultant, Mr McVitty, wrote his report based on a visit to the area on Wednesday 29th November 2023. His report introduces confusion with his use of terminology "adopted track" and "adopted road." The road proposed for abandonment is the part from Point B to Point J on his map in Appendix 02, yet he shows no photos of Point B, but shows photos and writes 8 pages about Points J to O & Points R to W which are not the subject of the proposed road abandonment. His description of Point F is inaccurate as he describes it as access to a former shepherd's hut. Instead, it is the access to Pollanrua Cottage which was a very popular tourist holiday cottage until Dalradian acquired it for the site of their proposed Dry Stack Facility (DSF), alias "tailings dam".¹ There is indeed an amazing little Shepherd's Hut a short walk away from point F. It is situated on the same farm and it is accessed via a separate lane from the Mullydoo Road, at point B beside the Greencastle People's Office (GPO).

The Road Proposed for Abandonment.

The section of road proposed for abandonment is not like any other road. It does not need "passing bays" or "a vehicle restraint system." It is generally not used for regular "road traffic" in terms of "vehicles" except for local farmers who travel slowly along to access their fields or exercise turbary rights. This road is used by people, mostly on foot, to enjoy access to the countryside and their culture, experience the beautiful scenery and tranquillity or to visit the Mass Rock, the statue of Our Lady or the memorial stone to a local environmentalist. (Photos) Mr McVitty does not mention the Mass Rock nor does he state if he saw the Statue of the Blessed Virgin Mary located to his left (between Point B and Point C). He also does not mention the stone erected in memory of a local man who had a deep love of the landscape and who founded the Greencastle 5 mile Road Race in 1986 which still takes place on St. Stephen's Day every year. This memorial stone is situated at the side of the road. Mr Mc Vitty would also have seen the signs at both ends of the road asserting the Community's Right to Pass along this road, as well as the sign at Point A declaring "Over Our Dead Bodies". These signs and monuments along this road all convey and highlight the importance and significance of this particular road to the local people. Regrettably Mr Mc Vitty appears to have ignored these and has not given them due consideration.

The report states there was "no evidence of pedestrian or horse activity the day of his survey." We note it was a Wednesday 29th November 2023. It is not surprising that there were not many walkers or horse riders out mid-week in late November. The road proposed for abandonment is used regularly by walkers, cyclists, joggers, runners, horse riders, children, young mothers pushing buggies, people with an interest in wildlife, visitors and

¹<https://drive.google.com/file/d/10vUsST-7e8QrisPLg66KhX5se9HZucSV/view?usp=sharing>

tourists as it is safe for them to access without fear of traffic. A local group of amateur bird-watchers have recorded a wide variety of birds along this road. [See Appendix 1. Local Amateur Bird Watchers. Sample of Bird Sightings and photographs] Walking on this roadway promotes a sense of health and well-being as well as raising awareness of the beauty of the countryside. It embodies and promotes our history, wildlife and cultural heritage allowing all to enjoy same. As a convenient, accessible, safe and much used road, it is such an important 'access to the countryside' asset for our local people and visitors alike.

The Proposed New Replacement Road

The proposed new replacement road would not be safe for the regular users of the road proposed for abandonment as it is a road for vehicles. The proposed replacement road would not promote health and well-being as it would run alongside Dalradian's proposed 54 metre high DSF/tailings dam, and people on foot would be exposed to the toxic dust, noise of machinery, explosions, mine traffic, 24 hour lighting, etc. Dalradian propose to spray the tailings dam to stop the waste dust containing heavy metals blowing in the wind into people's lungs, causing respiratory disease and cancers. People would be exposed to the diesel emissions from Dalradian's proposed use of 3.5 million litres of diesel onsite every year for 25 years as well as the radioactive contaminants from the radon gas released from a mine 900 metres deep into the earth. There will be the noise & dust from explosives blasting twice a day every day of the year for 25 years as well as the noise & emissions from onsite machinery and 350 employees coming and going, heavy goods vehicles, delivery trucks, etc. Save Our Sperrins contends that no other road in the whole of Ireland would pose such risks to people's health and safety. It would be highly unlikely that anyone on foot would want to use such replacement road that Dalradian proposes.

A lot of new information has only come to light in HoyDorman's Sept 2024 technical report submitted for the purposes of these Public Inquiries. Namely that the proposed new road will measure 1,380m long, 3m wide, have security fencing on the side next to Dalradian's 54 metre high DSF/tailings dam, and rails and post fence on the other side, a barrier in several locations along the road, security gates at "the proposed road for abandonment" end and "a checkpoint" at the crossroads with the mine traffic end of the proposed new road. Such a road is unlikely to allow for the enjoyment of the surrounding countryside and landscape and instead is more likely to cause a sense of claustrophobia for its users. This proposed alternative will essentially deter usage by the local community. Save Our Sperrins are shocked at these details – such a road will not engender the joy, health and well being presently attributed to the existing road.

Cultural Heritage

The proposed road abandonment would create access issues for people visiting the Mass Rock which is part of our religion, history and cultural heritage.[See Appendix 2. V'cenza Cirefice & Amy Strecker (2024) Cultural Heritage, Cultural Landscape, and People and Place]. Dalradian Gold appear to have neglected to address people's right of access to the Mass Rock. If the road were to be abandoned, part of the historic Green Road close to Point F would be removed from public use and the proposed new road would cut across another part of it. Local people feel aggrieved at the failure to engage an appropriate expert to provide the historical and cultural heritage evidence to the Court in the FODC action to assert the Green Road as a Public Right of Way. Dalradian's consultant, Mr Mc Vitty, relies solely on

Ordnance Survey maps and states that the Green Road did not exist prior to 1854 when it first was shown on Ordnance Survey maps but Save Our Sperrins believes it existed from medieval times and our folklore tells us that Hugh O'Neill crossed it at the time of the Flight of the Earls in 1607.² Dr Peadar Mac Gabhann deals with cultural heritage matters within the historical context of the Penal days and the Plantation of Ulster that created a new colonial version of Irish history. [See Appendix 3. Dr Peadar MacGabhann (November 2024) Cultural Heritage Report]. We must not fail to recognise that our historical and cultural heritage lies within our very landscape - our roads, our fields, our mountains and valleys. This cannot be ignored and cannot be replaced.

Other Issues with the Proposed New Road

There are several and complex issues with the construction of the proposed new road, including removal of peatland which is acknowledged as an important carbon store; thus, it would become a carbon emitter and contribute to climate change. It is clear from Dalradian's Site Location Plan 2016021-P-CIV-003 in Appendix 3 Drawings that the proposed new road lies within the Dalradian Infrastructure Site. This raises obvious safety and security issues. According to HoyDorman's report "Drainage from the proposed new road will outfall to the Pollanroe Burn." The Pollanroe Burn is known to be of ecological value and it flows into the Owenreagh River which is an ASSI, home to Freshwater Pearl Mussels, Salmon spawning and otters. We identify numerous issues arising with this proposed new road - What is the estimated amount of drainage and how is that managed? What are the impacts of that drainage on the Pollanroe Burn added to the discharges from the Treatment Plant, overflow from Clean Water Pond, runoff from catchment areas, etc? Furthermore, a bridge is proposed to be built across the Pollanroe Burn - what are its implications for biodiversity and eco-systems? This appears not to have been assessed, as a bridge is not mentioned in HoyDorman Technical Report included with Dalradian Gold's Statement of Case for the Road Abandonment. [See Appendix 4. Essency Consulting (Nov 2024) Main Issues Relating to the Existing & Proposed Road Infrastructure and Surrounding Environs]. The cumulative impact of the environmental, planning and technical impacts of Dalradian Gold's (and Department for Infrastructure) Road Abandonment Application including the new information that has been provided has not been assessed in the context of the conjoined Applications. Again, these failings are significant and must not be ignored- once more there is a dearth of environmental impact assessments.

²O'Shiel, Nick in Ulster Herald (25/01/18) Entrepreneurship and History in Greencastle
<https://drive.google.com/file/d/1uSzoJGB3SQuSB40ZnwuKMjzOfhru49GW/view?usp=sharing>

Appendix 1

Local Amateur Bird Watchers. Sample of Bird Sightings and photographs

Sample of Bird Sightings Compiled from Records taken by Local Amateur Bird Watchers in Greencastle, Co. Tyrone

TYPE OF BIRD	LOCATION/ COORDINATES	DATE	TIME
Cuckoo	Green Road(statue) 54.703584N,7.082563W	10 th May 2020	7pm
Two Curlews	Green Road (pats field) 54.7035N,7.0827W	15 th May 2020	8am
Hen Harrier	Crockanboy hill 54.7036-7.0940	15 th May 2020	8.10am
Two Buzzards	Green road (rousky) 54.714598N7.139154W	5 th August 2020	7.30am
One Buzzard	Green Road(ruins) 54.704871-7.131062	6 th August 2020	10pm
2 Sky larks	Pollan Rua Cottage 54.7036-7.0940	18 th August 2020	6pm
2 stone chats	Pollan Rua Cottage 54.7036-7.0940	18 th August 2020	6pm
Meadow pipit	Pollonroe Rua cottage 54.7036-7.0940	18 th August 2020	7pm
Two hen harriers	Green road(Charlie) 54.704871-7.131062	8 th March 2021	9am
skylark	Green road (Charlie) 54.7036-7.0940	8 th March2021	9.05am
Cuckoo	Green road (statue) 54.703584N-7.082563W	15 th May 2021	7.10pm
buzzard	Green Road (GPO) 54702058-7.083603	16 th May2021	7.30am
Two curlews	Green road (Pats field) 54.7035N,7.0827W	16 th May 2021	7.40am
Hen harrier	Green road (ruins) 54.7036-7.09039	12 th April 2022	6.05am
2 skylarks	Pollan Rua cottage 54.7036.7.0940.5W	12 th April 2022	6.30am
Cuckoo	Green road(statue) 54.703584.7N7.082563W	28 th May 2022	7pm
Cuckoo	Green road (bike) 54.700986-7.082046	28 th May 2022	7pm
Curlews	Green road (Pat) 54.702058N7.083603W	10 th June 2022	6am
skylark	Green road (GPO) 54.703584N 7.0827W	10 th June 2022	6.20am
Barn swallow	Pollan Rua (stables) 54.7036-7.0940	20 th April 2023	10.23am
cuckoo	Green road (statue) 54.703584-7.082563	20 th April 2023	10.30am
Willow warbler	Pollan rua cottage 54.7036-.7.0940W	20 th April 2023	17.29pm

TYPE OF BIRD	LOCATION/ COORDINATES	DATE	TIME
Grasshopper warbler	pollanRua cottage 54.7036-7.091880	23 rd April 2023	7.41pm
Barn owl	Pollanrua (stables) 54.7036N-7.0940W	23 rd April 2023	7.45pm
skylark	PollanRua (milk churn) 54.704931-7.091880	8 th May2023	9am
cuckoo	Green road (statue) 54.703584-7.082563	8 th May 2023	9.01am
curlew	Green road (pats) 54.702058-7.083603	8 th May 2023	9.05am
Hen harrier	Green road (picnic) 54.704871-7.131062	5 th June 2023	5.43am
curlew	Green road (pats) 54.702058-7.083603	5 th June 2023	6am
Buzzard	Green road (pauls) 54.697352-7.103115	8 th March 2024	8.44am
owl	Pollan Rua (shed) 54.7036N-7.0940W	8 th March 2024	8.45am
2 hen harriers	Green road (picnic bench) 54.704871-7.131062	14 th April 2024	6.30am
3 curlews	Green road (bike) 54.700986-7.082046	25 th April 2024	7pm
2 cuckoos	Green road (GPO) 54.703584-7.0827W	25 th April 2024	7pm
skylarks	Green road (milkchurn) 54.704931-7.091880	20 th May 2024	5.30pm
stonechat	Green road (milkchurn) 54.704931-7.091880	20 th May 2024	5.30pm
Buzzards	Green road (GPO) 54.703459N-7.0827W	12 th June 2024	1.30pm
buzzard	Green Road (Statue) 54.703584-7.082563	3 rd July 2024	8pm
2 curlews (nesting)	Green Road(pats) 54.702058-7.083603	3 rd July 2024	8pm
owl	Green road (trees) 54.704690-7.087650	3 rd July 2024	9pm
skylark	Green road (milkchurn) 54.704931-7.091880	16 th August 2024	5am
Two red kites	Green road (rousky) 54.714598N7.139154W	16 th August 2024	4pm
Grouse, male, 2females	Green road (statue) 54.703584-7.082563	16 th august 2024	7am

Birds were recorded on random days from March to September 2020 to 2024, the above is a sample of these records.

Some of the other birds recorded on the Green Road from 2020 to 2024 included:

Blackbird, Song Thrush, Robins, Meadow pipits, Grasshopper warblers, Willow warblers, Wood pigeon, Dove, Blue tit, Great Tit, Coal Tit, Swallow, Crow, Rook, Chaffinch, Dunnock, Wren, Magpie, Goldfinch, Redpoll, Jackdaw, Greenfinch, Skylark, Barn swallow, House swallows, Linnet, Crow, Greenfinch.

The local amateur bird watching club have recorded nesting Curlews, Cuckoos, Buzzards, Snipe, Kestrels, hawks, Red kite and hen harriers across the townlands of Greencastle, many within a few miles of the proposed planning application. This part of the Sperrins is now being recognised as a prime breeding area for many endangered birds and animals.

While Bird watching Red Squirrels, Badgers, foxes, Irish hares, Bats, Lizards and newts were all recorded along the Green Road.

All information was recorded on sightings, sounds and Apps, (Merlin and Irecord) Many of the birds such as the curlews and cuckoos appear to return each year to the same nesting sites.



Buzzard: Greencastle Road [REDACTED] land) 54.667565, ~ 7.135342



Nesting curlews on green road ([REDACTED] land 54°7035N 7.08227W)

Recordings 14 April 2024

Original Photograph Files can be provided if necessary

Link below to video footage showing pair nesting – audio captures bird call

<https://drive.google.com/drive/folders/1I8wSmQv6vcXjRQ0khojLuh7MhIRKf9OR?usp=sharing>

Appendix 2

**V'cenza Cirefice & Amy Strecker (November 2024) Cultural Heritage,
Cultural Landscape, and People and Place**

Rebuttal Report re Cultural Heritage, Cultural Landscape, and People and Place

Planning ref: LA10/2017/1249/F

Prepared by V'cenza Cirefice and Dr Amy Strecker

This rebuttal concerns the cultural heritage impact assessments undertaken in respect of the Curraghinalt Project, including for the main mine application (Gahan and Long), Curraghinalt 33kV Connection (RPS) and Proposed Crockanboy Road Abandonment (McVitty *et al.*). It is written by V'cenza Cirefice, who has conducted extensive research (over the course of 5 years as part her PhD research) on the close attachments between people and place in the Sperrin mountains, and by Dr Amy Strecker, a legal expert specialised in cultural heritage law and landscape governance. Authors' bios are included below.

The authors

Dr Amy Strecker is an Associate Professor at the Sutherland School of Law, University College Dublin and a leading expert on landscape and law with over 20 years' experience researching landscape governance, environmental law, cultural heritage, and human rights. She holds a PhD in public international law from the European University Institute, for which she was awarded a government of Ireland IRC doctoral scholarship. She is the author of *Landscape Protection in International Law* (Oxford University Press 2018), as well as 4 edited books and multiple journal articles, book chapters and reports on various aspects of cultural heritage law and landscape governance. Dr Strecker is a regular invited speaker to international fora on landscape and law, including the Council of Europe (CoE Landscape Convention) and the UN (intersessional meetings on cultural rights and cultural heritage). In 2019 she was awarded a major European Research Council grant for a research project on land, property and spatial [in]justice in international law (<https://www.landlawandjustice.eu/>).

V'cenza Cirefice is an IRC-funded researcher with over 15 years' experience in the environmental justice field. She has recently completed her PhD exploring communities' resistance to gold mining in the Sperrin Mountains. This 5-year Irish Research Council funded project engaged over 100 people across the Sperrins documenting their connection to place, culture and landscape. V'cenza has published on this work in a variety of academic and non-academic sources, including:

- Cirefice, V., Mercier, S. and O'Dochartaigh, A. (2022). 'Resistance to Mining and Pathways to a Sustainable Rural Environment', in A. Attorp, S. Heron and R. McAreavey (eds.), *Rural Governance in the UK: Towards a Sustainable and Equitable Society*. Routledge, pp. 99-119.

- Cirefice, V. and Mincks, E. (2024). 'Water Protectors, Flowing Spirals, Making Relatives despite Extractivism in Northwest Ireland', in Janzwood, A. and Fairbank, C. (eds.) *The End of Extraction as we know it: Learning from extractive resistance for sustainable futures*. Athabasca University Press.
- Cirefice, V. and Mincks, E. (2024). Making Relatives visual essay. Mapping all our Relations. *You are here: Journal of Creative Geography*, pp.115-128.
- Cirefice, V. (2023). Countermapping in the Sperrins. *You are here: The Journal of Creative Geography*.
- Cirefice, V. and Sullivan, L. (2019). Women on the frontlines of resistance to extractivism. *Policy & Practice: A Development Education Review*, 29.
- Cirefice, V. (2024). The Struggle for Life: Building international solidarity from the Amazon to the Sperrins. Rundale.
- Cirefice, V. (2024). Countermapping in the Sperrins. Rundale.
- Cirefice, V. and Sullivan, S. (2023). Making Relatives and the Journey for Life. Undisciplined Environments.
- Cirefice, V. (2023). The women keeping Ireland's gold in the ground. *The Ecologist*.
- Cirefice, V. (2022). Booklet: Resisting Extractivism in the Sperrins: A Photovoice Study

I. Flawed Cultural Heritage Impact Assessment in the Applicant's SoC

1. This rebuttal demonstrates that the cultural heritage impact assessments undertaken on behalf of the Applicant are based on outdated methodology and fail to include assessment of the intangible cultural heritage and the impact of the Curraghinalt Project on local peoples' sense of place. In the words of the PAC when advising against the Doraville wind farm: "due to widespread negative implications for the character, heritage and appearance of this part of the Sperrins AONB, the unacceptable scale of change that the proposed development would precipitate would harm local peoples' sense of place."¹ The implications of the Curraghinalt Project are much greater and carry even more widespread negative implications for this part of the Sperrin AONB, and Beaghmore ASAI, due to inter alia, the acknowledged adverse impact on the dark skies,² the acknowledged adverse impact on the tranquillity of the Sperrins

¹ PAC, Regionally significant planning application by SSE Renewables Developments (UK) Ltd for the erection of 33 wind turbines, Commission Reference: 2018/C007, at 13.7.

² The OM Dark Sky Park and Observatory is one of only 200 places on earth with such a designation, and one of only three on the island of Ireland. Considering that light pollution can travel up to 200km and that the proposed development would be located within 8km of Davagh Forest, there is a significant risk to the quality and amenity value of this park and observatory, which draws astronomers and visitors from all over the world. The NIEA SoC states "Lighting of the proposal would have an adverse impact on the dark skies of this part of the Sperrin AONB, impacting on the existing landscape character within an extensive visual envelope around the site."

landscape,³ an essential and acknowledged feature of this area highlighted in both the NILCA NIRLCA series and the FODC LDP 2030, and the intangible cultural heritage and local peoples' sense of place, which were not assessed in the cultural heritage impact assessment process, as per current best practice.

2. Further material considerations for assessment should also include the research conducted by V'cenza Cirefice through a 5-year Irish Research Council funded research project *Dinnseanchas* (the lore of places), which documented the social, ecological and intangible cultural heritage significance of the area, including Ethnography, Countermapping (Cirefice, 2022a; 2023; 2024) and Photovoice (Cirefice, 2022b). The research demonstrated that the social aspects cannot be easily separated from the ecological aspects and that the Sperrins has abundant social, sacred, ecological, historical and personal meaning. The proposed application by Dalradian would cause immense harm to the sense of place, belonging and relationships people have with the landscape and each other in the Sperrins (see Section II below and Appendix).

3. The Beaghmore Area of Significant Archaeological Interest (ASAI) now extends to within the application site for LA10/ 2017/1249/F,⁴ which according to HED (Historic Monuments), warrants further assessment of application LA10/2017/1249/F by HED. It is worth recalling HED's guidance in relation to development in ASAs, which holds that:

"Generally, it is unlikely that ASAs will be able to accommodate large scale development such as quarrying or mining operations, turbines or wind farms, waste disposal, industrial units or major tourism schemes or proposals for the erection of telecommunications masts or pylons and as it is likely that the overall impact of such proposals could be particularly damaging to the distinct appearance, character and historic environment of the area"⁵

4. In relation to the gold mine development proposal, HED (Historic Monuments) notes in its SoC that "it is located close to a large number of recorded archaeological sites and monuments. These range in date from the Neolithic and Bronze Age periods up until the Post-Medieval period. The distinctive character of this landscape contributes to the intrinsic historic character of the Beaghmore Area of Significant Archaeological Interest (ASAI) and the settings of those archaeological sites contained within it and in the surrounding landscape".⁶ Its SoC goes on to note that "a relative absence of modern development, with no visible large-scale

³ NIEA SoC notes that "the impact of the proposal would, in our professional opinion, have an adverse impact on the tranquillity of the Sperring landscape, an essential and acknowledged feature of this area, highlighted in both the NILCA NIRLCA series and the FODC LDP 2030."

⁴ With the adoption of the Fermanagh & Omagh District Council Local Development Plan 2030 in March 2023,

⁵ Appendix 5– Historic Environment Division (Listed Building and Historic Monuments) LA10/2017/1249/F Archaeology & Built Heritage, HED response: 01 05 24 Section Reference: HB11 17 001, at 5.8.

⁶ Ibid.

developments, is one of the key landscape characteristics noted in the Beaghmore ASAI designation.”

5. HED (Historic Monuments) acknowledges the presence of “a large number of regionally important Scheduled Monuments close to the proposed gold mine and associated infrastructure” (including the prehistoric henge and medieval settlement site of Dun Ruadh at Crouk townland, the prehistoric cairn and standing stone and medieval Ogham stone at Aghascrebagh, as well as a group of prehistoric sites at Culvacullion). It is worth noting that “while these are afforded statutory protection, they are surrounded by a much larger number of recorded archaeological sites and monuments, mainly prehistoric funerary and ceremonial sites, which are not statutorily protected but which are contextually linked and clearly demonstrate the significance of this landscape to prehistoric communities.” **As will be shown below, there is a demonstrated continued significance of this landscape to present day communities.**

6. In its SoC Conclusions, HED found that given the new research presented on the archaeological landscape around the application site and the adoption of the Fermanagh & Omagh District Council Local Development Plan 2030 bringing Beaghmore Area of Significant Archaeological Interest (ASAI) within the application site for LA10/ 2017/1249/F,⁷ further assessment of application LA10/2017/1249/F is warranted to inform a planning decision in this case. This refers to new research undertaken on the archaeology and landscape around the application site by Paul Logue and Déaglán Ó Doibhlin, which recognises the significance of the ancient routeway, known as the Green Road, and its association with the Battle of Formil. It should also include Cirefice’s research which demonstrates the cultural relationship between the people of the Sperrins and their landscape (further detailed in Section II).

7. The Cultural Heritage Impact Assessments undertaken by Gahan and Long and RPS do not include any consideration of the intangible cultural heritage (including ethnography, folklore, associative heritage), social impact, or the impact of the application on the wider cultural landscape and its importance for well-being⁸ and local peoples’ sense of place.⁹ Cultural heritage was erroneously construed in the assessment process as discrete, physical heritage, something that can be enumerated, measured, and mitigated against via excavation or removal, separate from social and cultural impact. However, this is at odds with the current legal understanding of cultural heritage and landscape, as well as the current methodology for conducting cultural heritage impact assessment, detailed below.¹⁰ In addition, it is much narrower in archaeological scope than a previous cultural heritage impact assessment carried

⁷ With the adoption of the Fermanagh & Omagh District Council Local Development Plan 2030 in March 2023,

⁸ CoE Landscape Convention, Preamble.

⁹ Regionally significant planning application by SSE Renewables Developments (UK) Ltd for the erection of 33 wind turbines, Commission Reference: 2018/C007.

¹⁰ A. Strecker, ‘Cultural Heritage Impact Assessment for Development Projects’, *The Routledge Handbook of Heritage and the Law*, Routledge, 2024, pp. 249-262.

out by SLR in 2013, which identified **27** cultural heritage sites within the immediate ‘project area’ and a total of **113** cultural heritage sites with a 6 x 4 km environs. The number of heritage sites involved would appear to contradict the assessment that ‘the project will not have any direct impact on heritage assets.’ The SLR report is not mentioned in the Applicant’s SoC.¹¹

8. Cultural heritage has a much broader legal meaning and now incorporates intangible heritage and cultural landscape, recognised in multiple international instruments, including the UNESCO 1972 World Heritage Convention (“Cultural Landscapes”),¹² the 2003 UNESCO Convention on the Safeguarding of the Intangible Cultural Heritage (Article 2),¹³ and the 2000 Council of Europe Landscape Convention (Article 1).¹⁴ The intangible cultural heritage and importance of landscape for well-being is not only recognised in the main reference texts of international cultural heritage law but also in the most up-to-date guidance in the UK and Ireland, as evidenced in ‘Principles of Cultural Heritage Impact Assessment in the UK’, which recognises that “Cultural heritage connects people with place and includes the associations that can be seen, felt and heard. It is a source of memories and associations, and an inspiration for learning and creativity. Cultural heritage contributes to individual, community and national identity as well as our well-being and economic prosperity”.¹⁵ Transport Infrastructure Ireland’s Guidelines for conducting Cultural Heritage Impact Assessment also includes intangible cultural heritage and landscape.¹⁶

9. The assessment carried out by RPS on behalf of the Applicant uses an outdated methodology and concept of cultural heritage. It relies in large part on the International Council of Monuments and Sites (ICOMOS) (2011) guidelines to determine the methodology applied to its assessment of the cultural heritage. However, these guidelines were updated and replaced in 2022 to reflect the evolving legal understanding of cultural heritage and its

¹¹ There was also a cultural heritage impact assessment carried out by John Cronin and Associates for the RPS group in May 2021. The report states: *For purposes of this chapter the term ‘Cultural Heritage’ encompasses archaeological, architectural and cultural (folklore, placenames, traditions) heritage resources* (EIA, ‘Cultural Heritage’, 6/1). However, despite mentioning folklore, placenames and traditions, this report limited consideration of sites to a much narrower area than SLR’s report of 2013. In addition, it demonstrates no understanding whatsoever of the cultural heritage of the Sperrins beyond its archaeology. The investigation into the region’s ethnography is limited to the provision of a list of 23 townland names (6/7, 6/8) taken from a website (www.placenamesni.org).

¹² Decision 16COM XIII. 1–3.

¹³ The “intangible cultural heritage” means the practices, representations, expressions, knowledge, skills – as well as the instruments, objects, artefacts and cultural spaces associated therewith – that communities, groups and, in some cases, individuals recognize as part of their cultural heritage. Article 2 (1).

¹⁴ For the purposes of the Convention, “Landscape protection” means actions to conserve and maintain the significant or characteristic features of a landscape, justified by its heritage value derived from its natural configuration and/or from human activity. Article 1(d). Article 5(a) provides that “Each Party undertakes to recognise landscapes in law as an essential component of people’s surroundings, an expression of the diversity of their shared cultural and natural heritage, and a foundation of their identity”.

¹⁵ https://www.archaeologists.net/sites/default/files/j30361_iema_principlesofchia_v8.pdf.

¹⁶ <https://www.tiipublications.ie/library/PE-ARC-02009-01.pdf>.

link with human rights and community participation.¹⁷ **The methodology relied on in the Applicant's SoC is therefore outdated and does not reflect contemporary best practice.**

10. The 2022 ICOMOS guidelines make a number of important updates to the previous policy document issued in 2011. To begin with, the document states that “impact assessments should promote and encourage the effective, inclusive, and equitable participation of rights-holders, including Indigenous peoples, **local communities**, and other stakeholders.”¹⁸ Moreover, the 2022 policy document provides a step-by-step guide for carrying out heritage impact assessment, drawing a distinction between different types of assessment (Strategic Impact Assessment, Environmental and Social Impact Assessment, and Heritage Impact Assessment). Participation with local communities along with environment and heritage authorities is mentioned as a first step in the whole process (see table 4.1 from the ICOMOS guidelines below). Several options for considering the impact of development are provided, including the use of ethnographic studies, site visits, socio-economic surveys, engagement activities, alongside landscape character assessments and other more traditional methods. **No ethnographic studies have been conducted as part of the cultural heritage impact assessment undertaken by the Applicant to date.**

11. The 2022 Guidelines extend the scope of the assessment to include the relevant geographical, ecological and landscape areas around the heritage, while also considering any direct, indirect, and **cumulative impacts**. Examples of ‘direct impacts’ include the demolition of a historic building, a road widening project leading to habitat loss, or a significant increase in noise levels at a spiritually or ecologically sensitive site, for instance. Examples of ‘indirect impact’ include changes in natural flow of water downstream from a new dam, roads which increase vehicular access, or land use plans leading to increased population density in historic towns. Finally, examples of ‘cumulative impact’ include multiple projects leading to, inter alia, the progressive loss of habitat.

12. By contrast, the assessments undertaken on behalf of the Applicant are based largely on desktop research and field surveying individual sites as unconnected “assets”, with no active engagement with the local community or consideration of the intangible cultural heritage, spirituality, place-attachment and social impacts. Likewise, the Crockanboy Road Abandonment assessment dismisses the attachment of the local people to this road as “speculation”, which belittles their concern and reduces it to externalities.¹⁹ The fact that the road has not been upgraded or has potholes is not relevant to how people feel about Crockanboy Road! The assessment concludes by stating that “The proposed new road is necessary, in the public interest.” According to best practice, public interest and cultural

¹⁷ ICOMOS, 2022, p. 8 (https://openarchive.icomos.org/id/eprint/2707/2/impact_assessment_22_v14.pdf).

¹⁸ Ibid, p. 8.

¹⁹ Statement of Case Crockanboy Road Proposed Abandonment Dalradian Gold Ltd Road Abandonment Application (PAC Ref: DR001) Curraghinalt, Gortin October 2024.

significance ought to be defined by the local public who interact with and use the road, rather than by an external party adopting a paternalistic and abstract appraisal.

Table 4.1. Overview of the impact assessment process

Prompt questions for generic impact assessment (in <i>italics</i> , additional prompt questions when considering impacts on World Heritage)	
Throughout the impact assessment	
A. Participation	- Who are the rights-holders and other relevant stakeholders? - How should rights-holders and other stakeholders be engaged? - Are there consent issues to be considered (e.g. free, prior and informed consent of Indigenous peoples and possibly others)? - What engagement methods should be used for different groups, including those who have traditionally been disenfranchised?
B. Proactive problem solving	- Is the proposed action necessary? Is it preferable to 'do nothing'? - What are the alternatives to the proposed action? - What would be the preferred or most environmentally benign option for achieving the proposal's objectives? - How can any negative impacts of the proposed action be avoided or minimized? <i>How can these impacts be avoided/minimized for OUV and its attributes?</i> - Are there opportunities to provide or enhance any positive impacts of the proposed action? <i>To enhance the management of OUV?</i>

13. Participation in the definition of plans and policies is also an obligation in the CoE Landscape Convention (Article 5c),²⁰ and the 2003 UNESCO Convention on the Safeguarding of the Intangible Cultural Heritage²¹ includes an obligation (Article 15) to ensure the widest possible participation of communities, groups, and individuals. In addition, access to and participation in cultural heritage forms part of the normative content of cultural rights, in particular under Article 15 1(a) of the International Covenant on Economic, Social and Cultural Rights (ICESCR)²² and Article 27 of the International Covenant on Civil and Political Rights (ICCPR).²³ While the latter refers only to minorities and indigenous peoples, the former (ICESCR) recognizes the right 'of *everyone*' to take part in cultural life. In General Comment No. 21 on Article 1(a), the Committee on Economic, Social and Cultural Rights lays out the normative content of the right, as well as the meaning of culture for the purposes of its implementation.²⁴ In relation to the normative content, the right to take part in cultural life requires from the State party both abstention (i.e., non-interference with the exercise of cultural practices and with access to cultural goods and services) and positive action (ensuring

²⁰ 20 October 2000. ETS 176. Entry into force: 1 March 2004.

²¹ 17 October 2003, 2368 UNTS1. Entry into force: 20 April 2006.

²² States parties to the present Covenant "recognize the right of everyone to take part in cultural life." Art. 15 1(a), International Covenant on Economic, Social and Cultural Rights, 16 December 1966, 993 UNTS 3, Entry into force: 3 January 1976.

²³ "In those States in which ethnic, religious or linguistic minorities exist, persons belonging to such minorities shall not be denied the right, in community with the other members of their group, to enjoy their own culture, to profess and practise their own religion, or to use their own language." Art. 27, International Covenant on Civil and Political Rights, 16 December 1966, 999 UNTS 171, Entry into force: 23 March 1976.

²⁴ Committee on Economic, Social and Cultural Rights, General Comment No.21 on the right of everyone to take part in cultural life, E/C.12/GC/21, 21 December 2009.

preconditions for participation, facilitation and promotion of cultural life, and access to and preservation of cultural goods).²⁵ There have been no preconditions for participation of the local community in the cultural heritage impact assessments carried out on behalf of the Applicant.

14. The assessment conducted by RPS perceives the archaeological sites as being disconnected from each other, the landscape and its inhabitants. They are conceived as 'heritage assets' of varying degrees of antiquity that could easily be removed and relocated, but this is contrary to not only to a preference for preservation *in situ* under the 1992 European Convention on the Protection of the Archaeological Heritage (Valletta Convention),²⁶ but also to how the local community understands their cultural heritage: not as "individual heritage assets" but as inseparable elements of an integrated cultural landscape, which is greater than the sum of its parts.

15. According to ICOMOS and the World Heritage Committee, the term "cultural landscape" embraces a diversity of manifestations of the interaction between humankind and the natural environment. "Cultural landscapes often reflect specific techniques of sustainable land use, considering the characteristics and limits of the natural environment they are established in, and may reflect a specific spiritual relationship to nature. Protection of cultural landscapes can contribute to current techniques of sustainable land use and can maintain or enhance natural values in the landscape. The continued existence of traditional forms of land use supports biological diversity in many regions of the world. The protection of traditional cultural landscapes is therefore helpful in maintaining biological diversity."²⁷ This understanding of cultural landscape more accurately reflects the relationship between the local community and the Sperrins, documented extensively in the *Dinnseanchas* (the lore of places) research project.

II. Dinnseanchas Project (The Lore of Places)

16.a. Cirefice's 5-year ethnographic research project in the Sperrins engaged over 100 people through interviews, focus groups, creative workshops, walks and events. This research documented clear evidence of intangible cultural heritage, and strong sense of community attachment to place, and an interconnected understanding of landscape comprising social, ecological and cultural aspects. Through these activities **the Green Road, Crockanboy Hill and Road, the Mass Rock on Crockanboy Hill, and many other stone circles, standing stones and fairy trees** were identified as sites of utmost importance to the community. Just because a

²⁵ Ibid, para. 6.

²⁶ Article 5 places an obligation on states "to ensure that environmental impact assessments and the resulting decisions involve full consideration of archaeological sites and their settings; and to make provision, when elements of the archaeological heritage have been found during development work, for their conservation in situ."

²⁷ "Cultural Landscapes", <https://whc.unesco.org/en/culturallandscape/>.

monument or site is not designated or found on a specific map does not mean it is not of vital importance to the people who live and engage with this landscape on a daily basis. The aforementioned law and policy governing cultural heritage and cultural landscapes recognises that communities who are part of these landscapes are the true experts on their significance.

16.b. During community mapping workshops held across the Sperrins, participants labelled the area with memories, significant places, and sensory experiences, please find a sample of labels written by a range of people across the Sperrins below. Intangible aspects highlighted by participants, not considered by the outdated understanding of cultural heritage in the cultural heritage impact assessments, include place and townland names, emotive and sensory connection to place, ancestors and intergenerational memory, and embodied experience, all of which make up Dinnseanchas. Dinnseanchas has already been quoted by PAC in the decision to recommend refusing approval of the Doraville windfarm in the same area.²⁸ This proposed project would impact a much larger area and have devastating consequences for local peoples' sense of place and connection their landscape.

16.c. Through many community walks of the area that involved local community, people from across Ireland and international visitors, this area was highlighted as a site of significant value for people's sense of place, connecting with history and the natural world and physical and mental well-being. These holistic understandings of cultural heritage and landscape, reflected in current international law standards, ICOMOS Guidelines, and 'Principles of Cultural Heritage Impact Assessment in the UK', were not taken into account in the cultural heritage impact assessments attached to the Applicant's Statement of Case.

17. Further evidence of the cultural significance of the landscape to the local community is provided by Peadar MacGabhann (Peter J. Smith), who notes that the Muintir Luinigh area is considered a **sacred landscape** comprising the adjacent Dún Ruadh site, a burial site that contains pre-Christian and early Christian human remains. It is also a rich cultural landscape comprising the Ogham Stone of Aghascuibach, which bears a fourth or fifth century inscription in Primitive Old Irish, and embodies a linguistic inheritance that continued until the 1970s, when the last native Irish speakers of Tyrone (and Northern Ireland), who happened to reside in the immediately affected area, died (outlined by Pádraig Ó Baoighill in his book). Currach an Ealta was the homeplace of the great seanchaí and traditional craftsman, Pádraig Fheidlimidh Láidir Mac Culadh, of whom an excellent account is given by Michael J. Murphy in Tyrone Folk Quest (Belfast 1973). This is further mentioned by local people in mapping labels in the Appendix IV.

²⁸ PAC, Regionally significant planning application by SSE Renewables Developments (UK) Ltd for the erection of 33 wind turbines, Commission Reference: 2018/C007.

III. Requirement to Consider the Intangible Cultural Heritage and Landscape

18. Landscape has been embedded in the *lex specialis* of cultural heritage protection since at least the 1990s, and became the subject of a Council of Europe treaty in its own right in 2000 (aforementioned Council of Europe Landscape Convention). As far back as 1992, World Heritage categories were broadened to include ‘Cultural Landscapes’ within the scope of the Convention²⁹; ‘archaeological reserves’ were created as a category in the 1992 European Convention on the Protection of the Archaeological Heritage,³⁰ and ‘landscapes of historical, cultural or archaeological significance’ are embedded within the definition of environment as defined by EU Environmental Directives.³¹ Landscape is also the subject of a host of other soft law instruments.³² The UK and Northern Ireland is party to these international instruments which places upon them a legal obligation to take them into account in decisions with an impact on important cultural landscapes comprising the Sperrins AONB and Beaghmore ASAI.³³

19. According to ICOMOS, depending on the type of cultural heritage and its cultural context, cultural landscapes may be understood to meet the conditions of authenticity if their cultural values are truthfully and credibly expressed through a variety of attributes including: use and function; traditions, techniques and management systems; location and setting; language, and *other forms of intangible heritage; spirit and feeling*; and other internal and external factors (emphasis added).³⁴ The evidence of authenticity is abundant in the case of the Sperrins landscape.

20. The NIEA notes in its SoC that “Lighting of the proposal would have an adverse impact on the dark skies of this part of the Sperrin AONB, impacting on the existing landscape character within an extensive visual envelope around the site.”³⁵ In addition, it concluded that “the impact of the proposal would, in our professional opinion, have an adverse impact on the

²⁹ Decision 16COM XIII. 1–3. Operational Guidelines for the Implementation of the World Heritage Convention, 1994, para 36, available at < <http://whc.unesco.org/archive/opguide94.pdf>>.

³⁰ Council of Europe, European Convention on the Protection of the Archaeological Heritage (opened for signature 16/1/1992, entered into force 25/5/1995), ETS No. 143.

³¹ EIA Directives Directive 2014/52/EU of 16 April 2014 (amending Directive 2011/92/EU on the assessment of the effects of certain public and private projects on the environment), OJ L 124, 25.4.2014, 1–18. Directive 2001/42/EC of 27 June 2001 on the assessment of the effects of certain plans and programmes on the environment and Directive 97/11/EC (amending Directive 85/337/EEC of 27 June 1985 on the assessment of the effects of certain public and private projects on the environment) OJ 1985 L 175/40, amended by Directive 97/11/EC. OJ 1997 L 73/5.

³² See for example, the UNESCO *Recommendation concerning the Safeguarding of the Beauty and Character of Landscapes and Sites*, adopted 11 December 1962, and the UNESCO *Recommendation concerning the Preservation of Cultural Property Endangered by Public or Private Works*, adopted 19 November 1968.

³³ Ireland ratified the World Heritage Convention on the 16 September 1991, and ratified the Valletta Convention on 18 March 1997 but did not revise its legislation accordingly. Ireland ratified the European Landscape Convention on 22 March 2002.

³⁴ Decision 39 COM 11 Operational Guidelines for the Implementation of the World Heritage Convention 31

³⁵ DFI SOC LA10 2017 1249 F.pdf.

tranquillity of the Sperrins landscape, an essential and acknowledged feature of this area, highlighted in both the NILCA NIRLCA series and the FODC LDP 2030.” The assertion by the Applicant that the “visual impact of the project would be largely minimal or negligible” is not only erroneous, but also reduces the impact to visual or scenic aspects, which ignores the experiential and intangible cultural heritage of this part of the Sperrins.

21. In addition to the local community’s strong connection to the Sperrins landscape, it is also one of the last refuges on the island of Ireland for visitors wishing to connect with nature, in a tranquil landscape, with dark skies and no light pollution. The likelihood that heritage tourism could co-exist alongside a large-scale gold-mining project is not credible. The predicted adverse impacts noted by the HED alone for example (which only relate to their remit) will have a disproportionately negative impact on tourism, existing employment in the tourism industry, and the potential for developing tourism opportunities linked to the special character of this area related to outdoor recreation, astronomy, cultural heritage, archaeology, outdoor activities such as hill-walking, fishing, walking and cycling.

22. It is worth remembering the definition of culture as defined by the UN Committee on Economic, Social and Cultural Rights: “The Committee considers that culture, for the purpose of implementing article 15 1(a), encompasses, inter alia, [...] natural and man-made environments, [...] through which individuals, groups of individuals and communities express their humanity and the meaning they give to their existence, and build their world view representing their encounter with the external forces affecting their lives.”³⁶Article 15 1(a) entails two forms of state obligations: negative, in the form of abstention from conduct that would destroy or damage important cultural spaces, and positive, in the form of ensuring preconditions for participation, access and preservation. States are called upon to preserve the physical state of the cultural heritage and its deliberate destruction is viewed upon gravely.³⁷ Landscapes are clearly considered as part of the concept of culture within the scope of the right to participate in cultural life.³⁸

23. The DfI SoC notes that “a number of developments have occurred since HED’s response which may justify consideration at the Public Local Inquiry. The first is with the adoption of the Fermanagh & Omagh District Council Local Development Plan 2030 in March 2023, the application site now falls within Beaghmore Area of Significant Archaeological Interest. **In addition, new research has been undertaken in relation to the archaeology and landscape around the application site.** A paper has been published which recognises the significance of the ancient routeway, known as the Green Road, and its association with the Battle of Formil

³⁶ Ibid, para. 13.

³⁷ E/1991/23, para.79; E/1992/23, paras. 310, 312; E/1993/22, para. 186. See in relation to Iraq’s destruction of the cultural heritage of religious communities and minorities: E/1995/22, para.136.

³⁸ See above, General Comment No.21, E/C.12/GC/21, para. 13, and the Revised Guidelines regarding the Form and Contents of Reports to be submitted by States Parties under Articles 16 and 17 of the International Covenant on Economic, Social and Cultural Rights, E/1991/23, para.1 (f).

(summarised in the Appendix). This research should also be used to inform further assessment of this planning application. The Department also notes that Beaghmore and the Green Road and its association with the Battle of Formil have been referred to in letters of objections, and therefore welcomes further assessment of the application to take these issues into account.”

24. The Regionally Significant Doraville Wind Farm was refused planning permission due to, inter alia, “widespread negative implications for the character, heritage and appearance of this part of the Sperrins AONB” and the “unacceptable scale of change that the proposed development would precipitate would harm local peoples’ sense of place.”³⁹ The Sperrins is a rich landscape which is deeply peopled and storied. It is not an empty wilderness but a place full of relationships and ecological, historical, cultural and spiritual value. The Mining Project as outlined in the five applications represents a wholly unacceptable scale of change and would cause immeasurable harm to the cultural heritage, cultural landscape and local people’s sense of place, as documented above. **We respectfully advise against this planning application.**

IV. Appendix. Labels from Mapping workshops with the Local Community

“Pearl mussels that have symbiosis with salmon and can live for 140 years.”

“Teach Peadar Laidie, craftsman and seanchaí (storyteller), farmer, Currinaghalt”

“Walking the Green Road, hearing the stories of the Flight of the Earls, walking with ancestors”

“Ogham Stone: In field surrounded by old farms, with stories and histories of people working the land”

“Oliver’s memorial stone on Green Road”

“Source of the Owenkillew river”

“Sheskinshule (The moving bog)”

“An Creagán- land of the white hare”

“Cavanacaw” with drawing of a ring fort

“McCullagh, Ward and Bradley”

“Rivers, fish, insects, invertebrates, life”

“Trees old trees, home for nature”

“Lying by the Killyclogher Burren on a hot summer’s day, listening to the larks singing high in the blue sky. Inhaling the scent of heather”

“Glenelly valley, Glenelly River, Goles Stones, Glenroan Stones, Holy wells”

“All the hard labour home, Crockanboy Hill”

“Barnes Gap, Holy Well”

“Cranagh Hall, Dancing, Poteen!”

³⁹ 2018/C007, at. 13.7.

“Stories I heard around the fireside, as neighbours talked of the feats of strength and skill of seanachai Peadar Laidir McCullagh”

“Sheskinshule- A field’s name at my home which is where I go to think”

“I remember filming in the Black Bog, looking at the amazing colours and formations of the spagnum moss that grows deep within the lowland raised bog”

“Creggandouesky Cairn and Black Lough: a source of the Owenreagh”

“In Killunaught: Turning and baling hay; bringing the hay home”

“Connection with the living world: MAGIC!”

“Life sustaining nature”

“Beagmore stones holding the memories of the ancestors. A place I visit often and sit in contemplation”

“Dark Skies Project”

“Conghleann- Coneyglen. M’áit Shona- My happy place. Anáit a bhfuil do chroí ia ann a thabharfas do chosa thú- where your heart is is where your feet will take you. Days with my granny, walking the glens and picking berries and nuts in nooks and crannies, that only she seemed to know about”/ flip side: “<3 An áit a bhfuil do chroí, is ann a thabharfas do chosa thú <3” (Your feet will bring you to where your heart is).”

“Precious memories of a unique spot by a bend in the Owenkillew River, with my family, flowers, the sound of the river and ancient rock formations”[CV2] / flip side: “All at risk from this toxic grotesque threat. Our place at risk”

“An Caisleán Glas. Cumann Naomh Pádraig. Sperrin Óg/ Fr. Shields/ Handball club/ Youth Club/ Community Centre”

“Glen Bolcáin”

“Location: Logues Hill, Cappagh. Height: 940 ft above sea level. First memory 1971: Mummy brought us as children here for picnics. Beautiful scenery accompanied by the smell of heather. *Special Place: Beautiful.”



Figure 1: Map made through community workshops in the Sperrins- read captions above

Appendix 3

Dr Peadar MacGabhann (November 2024) Cultural Heritage Report

**Report in support of Save Our Sperrins Rebuttal of the Statement of
Case entitled ‘Crockanboy Road Proposed Abandonment’ in respect
of Dalradian Gold Planning Application(s) (PAC Ref: DR001)**

***By Dr Peadar Mac Gabhann BA (Dub), MLitt (Dub), Dip in Irish
Heritage Mgmt. (NUI), DPhil (Oxon).***

Peadar Mac Gabhann is Reader in Irish at Ulster University. Dr Mac Gabhann is a leading authority on Irish language, literature, history, folklore, song and music from the medieval period until the present day. He holds a First Class BA Honours degree in Early and Modern Irish, and an MLitt degree in Medieval Irish from Trinity College Dublin. He holds a DPhil in Celtic from the University of Oxford. He has been a Scholar of Trinity College Dublin, a Graduate Scholar of Jesus College Oxford, the Sir John Rhŷs Scholar in Celtic at the University of Oxford, and a Research Scholar of the School of Celtic at the Dublin Institute for Advanced Studies. Dr Peadar Mac Gabhann holds a postgraduate Diploma in Irish Heritage Management from University College Cork.

This document is a rebuttal of the Statement of Case entitled ‘Crockanboy Road Proposed Abandonment, Dalradian Gold Ltd Road Abandonment Application (PAC Ref: DR001)’. In the original discussion, it was argued by SOS that ‘The route has been in use for hundreds of years and that it was an access route that originated in medieval Ireland’.¹ The counter argument offered on behalf of Dalradian was that ‘the historical value of the adopted track has been thoroughly considered and the section to be abandoned does not form part of any historic road’.² The conclusion that the section to be abandoned does not form part of any historic road appears to be solely based on the assertion that ‘the road to be abandoned did not exist at the time of the Ordnance Survey’s 6” First Edition 1833 Survey maps, and only first appeared on the 6” Second Edition 1854 Survey maps.’³

Social historians of Ireland will know that numerous roads and pathways of this sort weaved their way across the Irish countryside.⁴ Indeed, Seán Ó Súilleabháin’s *A Handbook of Irish Folklore* (1942) contains a section on such ancient roads, pathways and tracks.⁵ Photographs taken by Caoimhín Ó Danachair of the Irish Folklore Commission of such roads are available on the site entitled ‘Dúchas.ie: ‘Photographic Collection’.⁶

¹ See Section 5. ‘Third Party Representations: History and Heritage’.

² Ibid.

³ Ibid.

⁴ Colm O Lochlainn, ‘Roadways in Ancient Ireland’, in John Ryan (ed.), *Féil-Sgríbhinn Eoin Mhic Néill: Essays and Studies Presented to Professor Eoin MacNeill* (Dublin: Under the Sign of the Three Candles, 1940; reprinted by Four Courts Press 1995) 465-474.

⁵ Seán Ó Súilleabháin (1903–96), a native Irish speaker from Kerry, was the first archivist of the Irish Folklore Commission.

⁶ Dúchas.ie. ‘Photographic Collection’. <https://www.duchas.ie/en/cbeg?LogainmID=135071&Page=1&PerPage=20>. Accessed 11 November 2024. See in particular (i) Photo. C0001.32.00002: Communications and trade: roads / paths: Glenhull; (ii) Photo. C0001.32.00003; Photo (iii) C0001.32.00005). Caoimhín Ó Danachair (1913-2002), a native of Athea Co. Limerick, was appointed as one of the first staff members at the Irish Folklore Commission. He was a Humboldt scholar at the universities of Berlin and Leipzig.

It has been contended by SOS that the alternative *path would cut across and destroy the 'Green Road'* (5. Third Party Representations: General Use of Land). In another report I have pointed out the likelihood that the Green Road formed part of the route taken by Aodh Ó Néill (Hugh O'Neill) on his way to continental Europe during the Flight of the Earls in September 1607. Dalradian's argument is that because the road that is proposed to be abandoned was marked on the 1854 map but not on the 1833 map then it must have come into existence between those dates. That is possible, although I believe unlikely. In fact, the only thing that can be definitively ascertained from that information is that the route was identified and recorded by an OS surveyor in the year 1854.

The OS maps, while a remarkable achievement, were in their infancy in 1833. One likely explanation for the discrepancy between the two maps is simply that the earliest cartographer of the area did not mark the existence of the road, but that a subsequent one did. In the words of the English archaeologist, Professor Michael Aston:

The OS records, however, do not record extensive areas of earthworks or early landscape features associated with the post-Roman period, and they are not concerned with the myriad odd features encountered in fieldwork which go so far to aid understanding of landscape development.⁷

On the basis of her detailed study of the Lough Arrow-Carrowkeel area in south Sligo, Professor Angèle Smith noted that while local mountain and hilltop names were indeed recorded 'in the Ordnance Survey field books (Ordnance Survey of Ireland

⁷ Michael Aston, *Interpreting the Landscape. Landscape Archaeology and Local History* (London & New York: Routledge, 1985; 1999) 13.

1837)', 'they are not found on the map itself, even though the upland topography was poorly mapped and thus there would have been space on the map to record these placenames'.⁸ Smith remarked further:

*Why were these hilltop names not represented on the mapped landscape? Mountain tops were places of interaction between competing knowledges and understandings of the landscape. How 'place' was defined, and its significance, was understood differently: as a place with a name; as a sacred or ritual site; or as a trigonometric station. These maps silenced many of these knowledges. The message was: no history existed here prior to the survey (and colonial rule). In fact, what the maps do, by silencing the past in the landscape, is re-make history – re-writing it as a colonial narrative.*⁹

Drawing on Mark Monmonier (1991), Angèle Smith declared:

*that all maps representing a three-dimensional world in two-dimensional form, must lie and distort reality by simplifying, omitting, selecting and making choices about what and what not to record. What is marked on the map exists; what is not marked does not.*¹⁰

In conclusion, the OS map of 1854 shows that the track was there from before that time. Dalradian relies on the absence of the road in the earlier map to make a definitive assertion as to the date of its creation, (although it does acknowledge that the road 'superseded a 16th century direct alignment road' (§ 2.2)). I do not believe

⁸ Angèle Smith, 'Landscape Representation: Place and Identity in Nineteenth-Century Ordnance Survey Maps of Ireland' in Pamela J. Stewart & Andrew Strathern (eds.), *Landscape, Memory and History. Anthropological Perspectives* (London: Pluto Press, 2003) 71-88: 73.

⁹ Ibid, 82-83.

¹⁰ Ibid, 73.

that its argument is sustainable, even on the balance of probabilities. There is the historical reference to the Green Road; there are examples elsewhere in the country of omissions from the OS maps; the OS maps of 1833 were a first edition of a massive project; the tradition in the countryside (and generally up until recently) was to build or repair or upgrade a track along an existing route which it 'supersedes'.

Finally, the Dalradian report (*reply to third party submissions*) claims that 'the historical value of the adopted track has been thoroughly considered' although the document gives no indication as to what materials formed the basis for such consideration, save for the OS maps and an extract from an 'early 20th century' DFI public roads schedule.

Appendix 4

Essency Consulting (Nov 2024)

**Rebuttal Statement on the Proposed Gold Mine Development at
Greencastle by Dalradian Gold Limited**

***Main Issues Relating to the Existing & Proposed Road Infrastructure and
Surrounding Environs***



Rebuttal Statement on the Proposed Gold Mine Development at Greencastle by Dalradian Gold Limited

*Main Issues Relating to the Existing & Proposed Road
Infrastructure and Surrounding Environs*



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1. Introduction

This Rebuttal has been compiled by Essency Consulting in relation to the planning application (reference number LA10/2017/1249/F) for the proposed Dalradian Gold Mine Project located at Crockanboy Hill, near Greencastle, County Tyrone, Northern Ireland.

This Rebuttal follows a previous report (early Oct 24) issued by Essency Consulting which was included in the Statement of Case documentation produced by the Save Our Sperrins (SoS), an opposition group opposed to Dalradian's application and issued in October 2024, raising concerns in relation to the application and hence subject to a pending Public Inquiry in early 2025.

The Rebuttal considers further information relating to road proposals contained within the Statement of Case issued by Dalradian in October 2024, as well as a range of supporting information included as Appendices.

Professional qualifications and experience have been provided in the previous report produced by Essency Consulting.

2. Scope of the Rebuttal

This rebuttal statement has been prepared on behalf of Save Our Sperrins (SOS), a community-driven organisation committed to safeguarding the environmental, cultural, and infrastructural integrity of the Sperrins region. The principal objective of this engagement is to critically evaluate the transport and infrastructure proposals outlined by Dalradian Gold Limited, focusing on the significant risks posed by the project to local communities and the surrounding environment.

The engagement was specifically commissioned to provide a detailed and evidence-based review of the following key areas:

- The adequacy of existing road infrastructure to accommodate increased mining traffic.
- The projected traffic volume and its implications for road safety and congestion.
- The environmental impact of construction activities, particularly concerning road drainage and peatland disruption.
- The transparency and sufficiency of consultation with local stakeholders regarding transport and logistics plans.

The analysis provided herein is informed by a review of the latest documentation submitted by Dalradian Gold Limited; specifically, the following documents were reviewed:

- **Statement of Case by Turley for Dalradian Gold Limited**
This document and various associated supporting documents and appendices outlines the applicant's justification for the proposed mining activities, highlighting expected societal and economic benefits, along with proposed mitigation strategies.
- **Environmental Impact Assessment (EIA) and Addenda (2019 & 2020)**
Comprehensive assessment of environmental impacts, including surface water, noise, biodiversity, and visual effects.
- **Transport Assessment**
Evaluates traffic impacts, proposed road improvements, and safety measures.
- **Dfl Statement of Case documentation**
- **Technical Reports on Surface Water, Noise, Air Quality, and Socioeconomics**
These provide detailed analyses of the project's anticipated impacts in each area.

- **Design and Access Statement (DAS)**

Focuses on project design, landscaping, safety, and flood risk management.

The review also incorporates:

- **Structural and Operational Assessment of Key Routes**

The B46 Crockanboy Road and its tributary roads are evaluated for their structural capacity and operational limitations, particularly in handling the projected volume of HGV and abnormal loads.

- **Feasibility Analysis of Proposed Upgrades**

The proposed passing bays and haul roads are scrutinised for their sufficiency in addressing traffic flow and safety concerns, with particular attention to inconsistencies in design and placement.

- **Examination of Traffic Modelling**

Dalradian's traffic impact models are assessed to identify potential underestimations in projected traffic volumes, peak congestion periods, and cumulative effects on local road networks.

3. Methodology

The methodology for this rebuttal report follows a structured review of information presented in Dalradian's latest documentation in conjunction with all matters in relation to road infrastructure, traffic issues and construction methodologies. The steps undertaken are as follows:

1. Review and Comparison of Key Documentation

The primary documents, including the Transport Assessments, Environmental Impact Assessment documentation, and Planning Application, were reviewed in detail. These were cross-referenced with industry standards such as the Design Manual for Roads and Bridges (DMRB) to ensure compliance and adequacy.

2. Critical Evaluation of Assumptions and Methodologies

Both explicit and implicit assumptions in Dalradian's reports were identified and analysed. Particular focus was placed on inconsistencies in data use, methodological contradictions, and any omission of critical factors, such as seasonal variations in traffic or long-term environmental impacts

3. Assessment of Safety and Mitigation Measures

Proposed safety measures, including haul road design and abnormal load transport protocols, were examined for sufficiency. This step involved analysing their effectiveness in addressing both immediate and long-term risks to road users and local communities.

4. Presentation of Alternatives

Where shortcomings were identified, alternative measures were proposed. For example, enhanced traffic management systems or more robust environmental safeguards were suggested to mitigate identified risks.

4. Key Findings & Analysis

4.1 Road and Infrastructure

4.1.1 Proposed New Road

It is proposed to construct a new 1385m road adjacent to the mine to replace the section of Crockanboy Road to be abandoned. The design drawings show that for the construction of this new road significant earthworks will be required. This includes the new road sitting on an embankment over 4m in height in places, with the width of the embankment (toe to toe) being up to 30m in width.

4.1.2 Proposed Site Access Road

It is proposed to construct a new 1865m access road into the site to from the Crockanboy Road. The design drawings show that for the construction of this new road significant earthworks will be required. This includes the new road being located within a cutting up to 5m deep as well as being located on embankment in places. The extent of such large cuttings mean that the width will be significant from top of cut to top of cut, potentially up to 40m in places.

4.1.3 Proposed Haul Road

It is proposed to construct a new 1216m haul road into the site. The design drawings show that for the construction of this new road significant earthworks again will be required. This includes this new road being constructed on an embankment over 2m in height, with the toe of the embankment to toe, measuring over 20m.

4.1.4 Proposed Tailings Dam

Plans also include the construction of a 54-metre-high tailings dam, designed to store mine waste. This will be constructed in an area predominantly covered in peat up 5m in depth (as per various ground investigation reports produced for Dalradian). Mass excavation in this area presents a significant risk to the downstream environment and will have an impact on the groundwater regime and hydrology across the area.

4.1.5 Proposed Road abandonment

The proposal to abandon an area of 8640m² of road at the Crockanboy Road due to being in a poor condition, etc. seems flawed as there doesn't appear to have been any public consultation with local

residents who use this section of road for more than just vehicle use. It is regularly used for walking, cycling and running and is key section of road for the local people across the area.

It should also be noted that various legislation, primarily in urban areas, but relevant all over the province, promotes active travel and encourages walking and cycling. For example, The Climate Change Act (Northern Ireland) 2022 underscores the crucial role of active travel in addressing climate goals. It mandates the development of sectoral plans for transport which set a minimum spend on active travel from the overall DfI transport budget of 10%.

4.1.6 Proposed Passing bays

Dalradian proposes road widening in certain area with the addition of passing bays to accommodate increased traffic. However, this solution overlooks the structural limitations of these roads.

With the ground conditions in the area comprising large areas of peat it is likely that on occasions some areas of road to be widened may need to include areas that will need some form of ground improvement to take the load of large HGV and construction traffic. Potentially this could include areas needing to be piled which then leads to issues with potential groundwater contamination when drilling piles, as well as a whole range of other environmental issues and being located in an Area of Outstanding Natural Beauty (AONB).

4.2 Transport and Movement of Materials

4.2.1 Movement of Ore arisings

Dalradian's latest statement outlines the existing logistics for transporting ore through Belfast Port to Halifax, Nova Scotia in Canada. This plan introduces a new element of the project that will significantly increase local transportation burdens. At present, there is minimal information available on aspects such as vehicle movements, and mitigation, etc. The lack of a comprehensive transport plan has led to growing concerns regarding the safety and environmental impact of such operations, particularly in residential and urban areas near Belfast Port.

This highlights significant environmental risks as Ore will be hauled potentially via main roads to Belfast Port and then shipped across the Atlantic to Halifax, Nova Scotia. This is concerning for its carbon footprint and potential for environmental contamination, particularly during transit through urban areas and along sensitive ecosystems such as Belfast Port.

4.2.2 Proposal Analysis

Dalradian's proposals highlight the anticipated frequent movement of bulk materials, including cement, steel, and other materials, to and from the project site. This added transportation demand, alongside the proposed logistics plan involving both road and sea transport, significantly expands the project's environmental footprint, contributing to higher emissions and potential environmental degradation. However, the documents provided by Dalradian fail to assess the full range of risks, particularly in terms of road impact and potential accidents.

The proposed road improvements, which are intended to accommodate heavy loads, are unlikely to adequately mitigate the wear on existing infrastructure. The frequent movement of HGVs will exacerbate road stress, leading to a need for regular maintenance that will disrupt local traffic and increase DfI maintenance costs. Moreover, the cumulative impact of material transport on local infrastructure has been significantly underestimated. The movement of bulk materials also raises the risk of spillages and environmental hazards, especially in the ecologically sensitive areas within the Sperrins and at Belfast Port. Without a detailed risk assessment of these environmental and infrastructural impacts, the proposal's safety and environmental concerns remain unresolved, further diminishing the project's viability.

Further analysis is needed regarding the risks associated with mine tailings transport. Potential issues include increased emissions, noise pollution, and hazardous material spillages. The route through Belfast is particularly problematic, given its urban setting and proximity to major waterways, raising the stakes for any accidental releases.

4.2.3 Construction and Environmental Risks

Dalradian's plans include the construction of a 54-metre-high tailings dam, designed to store mine waste. This dam, located near sensitive watercourses, presents a significant risk to downstream environments. According to the Save Our Sperrins report, the dam will be constructed using a downstream construction method, which, while common, has inherent risks of failure during extreme weather events or seismic activity (Emerman, 2024).

The report also highlights the lack of a comprehensive emergency response plan in the event of dam failure. Such an event could result in catastrophic flooding, releasing toxic tailings into nearby rivers and affecting communities downstream.

Finally, the environmental footprint of the dam, combined with its long-term maintenance requirements, raises concerns about its sustainability. Without robust mitigation strategies and

monitoring plans, the dam poses a long-term liability rather than a feasible solution for mine waste storage.

4.3 Overview

4.3.1 Ground Investigation information

Available information indicates that a ground investigation has previously been carried out across the proposed infrastructure area. This consisted of 12 boreholes and 23 trial pits as well as over 1700 peat probes being carried out.

Hand-held probes can provide some initial insight into peat characteristics, but their reliability for assessing peat for major construction schemes does have limitations such as:

Limited Depth Assessment – hand-held probes typically assess only a limited depth. For deep peat (up to 5 meters), they may not provide a complete picture of the peat profile and underlying soil conditions.

Interpretation - the results obtained from hand-held probes can be influenced by the operator's skill and experience. Results can vary based on how the probe is used and interpreted, leading to potential inconsistencies.

Variation in Peat Properties - peat is highly heterogeneous, with variations in density, moisture content, and composition over short distances. Hand-held probing may not adequately capture this variability, potentially leading to misrepresentation in places.

Limited Information on Shear Strength and Compressibility - hand-held probes primarily provide information about the presence and depth of peat, but they may not yield sufficient data on key engineering properties such as shear strength, compressibility, and consolidation behavior, which are critical for foundation design.

4.3.2 Construction / Ground conditions

Due to the varying ground conditions and the presence of peat throughout the area, large embankments will likely need some form of ground improvement to accommodate the proposed traffic loads. When constructing roads over peat or adjacent to peat that is up to 5 meters in depth,

significant problems arise, meaning alternative foundation strategies, such as deep piling or floating foundations, may be required.

Peat is characterised by its compressibility and high moisture content, which can lead to significant ground movement over time. This instability poses risks to structural integrity, making foundations and earthworks challenging. Due to the limited borehole information across the area and the depths of peat only being established by handheld probes it appears such proposals have not been considered properly and these works if they were to proceed will encounter a huge range of construction issues, as well as affecting the natural groundwater regime in the area due to the removal of the peat.

It should be noted that piling in peat is not recommended and can be complex due to a whole range of issues such as problems with lateral stability. This doesn't seem to have been considered in any documentation made available.

The lack of geotechnical data, such as limited boreholes being undertaken further exacerbates these concerns. Effective road design in peatland areas requires thorough slope stability assessments to mitigate the risk of embankment failure, particularly during adverse weather conditions. None of the reviewed documents includes such critical analyses, underscoring the inadequacy of the current planning.

4.3.3 Removal of Peat

The current design proposals indicate that the total peat volume which will require excavation at the site is estimated to be 165,000 cubic metres. This has been established based on limited ground investigation information primarily consisting of handheld probes and therefore the depth and extent of peat to be removed could be much more presenting considerable construction and environmental risks to the scheme.

The mass excavation of peat in rural areas of Northern Ireland should not be underestimated and can have profound impact on the environment, the surrounding land, and groundwater regime. Based on previous experience of peat removal for road schemes in other parts of County Tyrone and in County Fermanagh the following is likely to occur:

Land Creep and Stability Concerns

Land Creep and Stability Concerns: Peatlands are inherently unstable due to their high organic content and water-saturated nature. Excavation can disrupt the natural balance, leading to:

- Slow downhill movement of remaining peat layers (creep).
- Ground subsidence in the surrounding areas as the peat compacts or loses support.

Slope Stability: Steepened slopes left behind by excavation can fail, causing localized landslides or slumps. This can endanger nearby infrastructure, agricultural land, and natural habitats.

Groundwater Issues

Water Table Disruption: Peat acts like a sponge, holding and slowly releasing water. Excavation often involves drainage, which lowers the local water table, leading to:

- Drying of surrounding peat and soils, increasing the risk of further subsidence.
- Alteration of local hydrology, potentially affecting nearby wetlands and water-dependent ecosystems.

Groundwater Quality: Peatlands filter water and trap organic material. Disturbance can release dissolved organic carbon, tannins, and pollutants like heavy metals into groundwater, degrading water quality.

Increased Flooding Risks: Reduced water retention capacity in the peatland can exacerbate downstream flooding during heavy rains.

Environmental Issues

Carbon Release: Peatlands are significant carbon sinks. Excavation exposes and decomposes stored organic material, releasing substantial amounts of carbon dioxide (CO₂) and methane (CH₄), contributing to climate change.

Loss of Biodiversity: Peatlands are unique ecosystems supporting specialised plant and animal species. Excavation can destroy habitats, leading to loss of biodiversity and the displacement of wildlife.

Erosion and Sedimentation: Excavated peat is highly prone to erosion. Runoff from exposed areas can lead to sedimentation in nearby rivers and lakes, impacting aquatic habitats and water quality.

5 Conclusion

The project's road infrastructure proposals present a range of critical deficiencies that jeopardise the safety, environmental integrity, and sustainability of the project and surrounding region.

Current scheme proposals underestimate the issues of mass peat removal and how this will impact on the construction and the surrounding environment. The extensive earthworks operations have not been carefully considered and there has been no discussion or detail provided around how large embankments and culverts, etc. will be founded in potentially soft ground. There is no mention of ground improvement or piling being required which could lead to serious groundwater contamination issues if not covered in current proposals and considered at the planning / mitigation stages.

There are also concerns around limited ground investigation information and an over reliance of hand-held probes for establishing depths of peat.

Moreover, the transport plan, including the haulage of ore to Belfast Port and the construction of a 54-metre-high tailings dam, introduces new risks with far-reaching consequences. The absence of robust risk mitigation strategies, particularly for hazardous material transport and dam failure scenarios, exacerbates the potential for severe environmental impacts.

These risks, coupled with the increased burden on local road infrastructure, create an untenable situation that could severely impact local communities, disrupt daily life, and compromise the region's natural ecosystems.

The lack of understanding of how peat and the groundwater regime will behave when removed raises serious concerns around current proposals.

The proposed scheme cannot be considered a sustainable or safe project and therefore cannot proceed. Catastrophic environmental impacts are highly likely if the scheme progresses.