



Development Plan Team

Planning Department

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21/12/2018

Response to Draft Local Development Plan 2030

Dear Sir/madam.

I would like to state at the outset that I wish to make a representation, with the possibility of an agent attending, to be heard orally at the independent Examination as per paragraph 15 of the PAC document procedures.

I wish to state at the outset that I am disappointed in public consultation element. The remote locations of the mere four public meetings, and timing at 5.30pm in the evening was not conducive to public engagement. I attended the meeting at Gortin and I questioned the location and timing. I was informed that the location was selected to engage people in the community and the timing was to attract commuters on homeward bound from work. Firstly most people would not be finished work at this time and to state Gortin is on an arterial route is absurd. Given that the planners are aware of the AADT figures for the roads leading to this meeting then the basic premise is at best fundamentally flawed, but my initial thoughts of FODC wanting to fully engage with the public is foremost in my mind.

This entire consultation process and feedback mechanism is based upon the principles of soundness, hence the necessity to attend a public meeting and learn about it. Surprising when, at the Gortin public meeting, the presenter Deirdre McSorley (Head of FODC Planning) was asked about the soundness test, and to provide a worked example, she admitted that herself and her department were not familiar with the application of this principle and was unable to discuss it. When challenged how does she expect the public to provide constructive comments on the basis of soundness she stated that given that this was the first time that this was

used, she hoped the evaluators would not be too stringent. When asked did all the criteria have to be addressed or merely one of the three, she nor her assistants knew this answer.

This was unbelievable given that the entire process was meant to be based on this principle. Given this was the fourth and last public meeting this effectively meant that no one could have been informed of the correct use of the principle of soundness, hence no one will be able to use this principle in their responses.

One of the planners, a very conscientious lady, provided by email on the 5th December 2018, a definition of soundness Practice Note 6, however this only allowed 3 weeks to make a submission running into the busy period of Christmas.

This information was evidently not available to all of the public hence to enforce the soundness principle is clearly wrong and must not be used in the evaluation process to judge comments. Indeed taking into account the above information this entire consultation process should be re-run.

Given the size, scale and complexity of this this exercise, the lack direction based on the aforementioned points, the limited timeframe, this letter will detail the key issues in relation to the draft strategy which will be elaborated upon at the oral hearing.

Based on the Soundness criteria I will initially show that FODC has not applied this test. It seems that FODC has unilaterally adopted a precious metal and minerals strategy, and indeed the industrialisation of the Sperrins areas with total disregard to the local communities, while ignoring the main focus of the Strategic Environment Assessment (SEA) and consequently the related European Legislation, Regional Development Strategy (RDS), 2035, Habitats Regulation Assessment (HRA), and Strategic Planning Policy Statement (SPPS)

Below is a some examples of where FODC failed to meet the soundness test however I am really only touching the surface of issues.

Procedural tests

P1 Has the DPD been prepared in accordance with the council's timetable and the Statement of Community Involvement?

Community involvement has been ignored at the expense of mineral development (precious metal and minerals specifically), designation of areas, furtherance of the installation of wind turbines at the expense of community health, environment or objections

P2 Has the council prepared its Preferred Options Paper and taken into account any representations made?

They have essentially ignored the outcry regarding the goldmining and use of cyanide but worse still they have actually developed mitigating measures based on Dalradian's planning application. The outcry regarding wind turbines has been essentially ignored, even areas which are saturated with wind turbines is deemed to still have capacity while The Sperrin ANOB is now a targeted area for Wind turbines. The protection of the environment has been ignored in the pursuit of industrialisation hence the re-designations and opening up the region for industrialised processes.

P3 Has the DPD been subject to sustainability appraisal including Strategic Environmental Assessment?

No the key elements of the SEA was for sustainable development with

Consistency tests

C1 Did the council take account of the Regional Development Strategy?

No

RG11 text states that areas of landscape quality should be protected and that the countryside should be protected from inappropriate development. The Council has facilitated Dalradian through the designations developed, the Draft Policy Min01 explicitly through the policy clarifications. Surely policy clarification should be used to protect the environment, the health of the people and the tourism infrastructure. As detailed in RDA key concerns are the air quality and water quality of Northern Ireland. These have been sacrificed in the policy clarifications.

The RDS states to Protect and extend the ecosystems and habitats that can reduce or buffer the effects of climate change. Many ecosystems and habitats (such as peat bogs) act as sinks or stores for carbon if undisturbed. The FODC propose to destroy these areas by the adoption of this minerals development policy (FODC use this to mean precious metal and minerals)

The RDS 2035 does not mention mineral development at any point let alone linking it to precious metals and minerals which FODC has done. Instead please find below the RDS 2035 index showing the key Strategic Guidance – Economy, Society and Environment with all areas focusing on sustainable development. In terms of the economy the actual focus is on tourism. The environment is fully focused on sustainability, particularly protection of our air, water and natural environments while minimising waste (something which precious metals & minerals cannot achieve by the very nature of this dirty industry)

Strategic Guidance

1. ECONOMY

RG1	Ensure adequate supply of land to facilitate sustainable economic growth	31
RG2	Deliver a balanced approach to transport infrastructure	33
RG3	Implement a balanced approach to telecommunications infrastructure that will give a competitive advantage	34
RG4	Promote a sustainable approach to the provision of tourism infrastructure	35
RG5	Deliver a sustainable and secure energy supply	36

2. SOCIETY

RG6	Strengthen community cohesion	38
RG7	Support urban and rural renaissance	38
RG8	Manage housing growth to achieve sustainable patterns of residential development	40

3. ENVIRONMENT

RG9	Reduce our carbon footprint and facilitate mitigation and adaptation to climate change whilst improving air quality	43
RG10	Manage our waste sustainably	47
RG11	Conserve, protect and, where possible, enhance our built heritage and our natural environment	47
RG12	Promote a more sustainable approach to the provision of water and sewerage services and flood risk management	51

Prior to that the Regional Development Strategy Volume 1 Environmental Report 2010, does indeed refer to mineral development, however this mineral development purely focuses on aggregates with no mention of precious metals at any point.

The Strategic Environmental Assessment refer to minerals on many occasions however not once is it implied that the minerals are precious metals or minerals.

FODC in 4.72 defines Minerals as “includes all minerals and substances in or under land of a kind ordinarily worked for the removal by underground or surface working except that it does not include turf (peat) cut for purposes other than sale” Where did the FODC get this definition as it was not derived from the previous related publicaitons.

More alarming is that “aggregates such as sand, grave, and limestone are widespread within the council area and can be found within the council area and can be found in areas of high scenic value and environmental sensitivity.” What is the basis of this – how many quarries are in ANOB or high scenic value areas – this is paving the way for the next killer sentence!

“Valuable minerals such as gold, silver, lead and copper are also present but are more limited in occurrence.”

This is the only reference to minerals that makes them classified as precious metals and minerals. This does not reflect the SEA nor any of the RDS’s. How can FODC change regional policy and change district policy by now defining minerals as essentially precious metals and minerals.

This new definition will have to be approved by a Stormont Minister and a specific policy established. None of the regional documents refers to this definition so therefore all references and inferences to “precious metals and minerals” should be fully removed from this draft strategy. This will be open to a Judicial Review challenge.

The fundamental difference between minerals as aggregates as opposed to precious metals and minerals extraction is the latter will require processing with toxic chemicals and by default will generate considerable waste, unlike conventional aggregate extraction.

Furthermore precious metal and mineral extraction will cause acid rock drainage for perpetuity, hence resulting in potentially hundreds of millions of pounds for remediation. Min02 does not address this sufficiently. There is no consideration of a bond for accidental chemical spillages during operational life which has the potential to cost hundreds of millions of pounds if an accident occurred – usually the company quickly goes into administration.

Furthermore in terms of Draft Policy Min01 – Minerals Development the word unacceptable in the first line should be removed as this is subjective and open to abuse by planners who are pro-precious metal and minerals mining. Any adverse impact based on the listed 6 criteria should not be supported by the local Council.

The second part for (vii) to (xi) should be removed as they are explicitly related to precious metals and minerals as re-defined by FODC.

In terms of Policy Clarifications 4.75 – 4.80 these should be deleted as they are providing the planner with methods to circumvent the restrictions of points (i) to (vi).

It is evident that the last sentence in each paragraph, excepting 4.79, is designed to permit mineral extraction irrespective of the first 6 points.

If a new precious metals and minerals policy was included, by order of a Minister, then one would envisage a SEA/EIA based on the impact of this policy would be required.

One now has to question the legitimacy of the issuance of exploration licences considering there was no provision for precious metals or minerals agenda granted by a MLA. On whose authority or following which policy did the Civil Service departments actively go over to Canada and promote Northern Ireland as being open for businesses and then grant exploration and prospecting licences for 25% of Northern Ireland.

Indeed when undertaking this strategic environmental assessment and environmental Impact assessment the overall cumulative impact of numerous precious metal and mineral mines, extraction of various other minerals and substances (cobalt, uranium, lithium, zinc, silver etc) and their associated chemical processes have to be considered on the environment, tourism, health and agriculture. Consideration must be given to the well documented and immensely negative impact on air, water - ground/surface, plus existence of radon, radiation from Chernobyl and potential uranium radiation). This has in effect been ignored to date, by both RDS, SEA and specifically totally ignored by FODC draft strategy. An independent body should assess this appointed by FODC to establish a baseline.

Bear in mind Dalradian to date is only seeking planning in for one underground mine, given the geological structure there will be several others including open cast mines.

As a by-note at the public meeting in Gortin, The head of Planning when advised of the dangers of gold mining explicitly stated that if we want to own and wear jewellery we must be responsible and mine the gold in our own country. When pointed out to her at what cost to the health of our children and to the environment, she retorted that it has to be mined somewhere and if we wanted the jewellery then we had to be responsible for it rather than mine it in a less prosperous country. This was obviously an extremely stupid and silly statement, not least in the fact that gold is not essential, like jewellery and that there is sufficient gold in vaults to satisfy our needs for over one hundred years. However what it did show was that the Head of FODC was fully supportive of the goldmining project. Does this explain as to why the draft plan is so precious metals and minerals orientated?

C2 Did the council take account of its Community Plan?

“Community planning is a process whereby councils, statutory bodies and communities themselves work together to develop and implement a shared vision for their area. It involves service and function delivery to produce a community plan that

sets out the direction of a council area which promotes community cohesion and improves the quality of life for all its citizens.”

The plans for the mineral development (precious metal and minerals) is totally rejected in the community particularly in the ANOB, specifically in the areas surrounding Greencastle. FODC has indeed totally ignored the community instead FODC under MIN01, has split the community and will unquestionably affect the quality of life of its citizens. This community sees sustainable development through tourism and agricultural as the key drivers in this area however FODC is promoting mineral development, industrialisation of the existing ANOB through redesignation while allowing wind turbines to be introduced to one of the most scenic areas of Tyrone, plus the destruction of the Ramsar Black Bog Site (see later).

C3 Did the council take account of policy and guidance issued by the Department?

The draft plan seems to have significant input from Dalradian and issued by the Departments particularly in the re designation of ANOB, MIN01 etc.,

The provision of Appendix 8 is extremely worrying particularly the mention of Section 76 of the Planning Act – why is this mentioned here in the Local Development Strategy quickly followed by developer contributions, community benefits and financial guarantees, all from Dalradian’s application and seen as a sop to enforcement. What about community planning here?

C4 Has the plan had regard to other relevant plans, policies and strategies relating to the council’s district or to any adjoining council’s district?

The plan has failed to take into account the cumulative impact of precious metal mineral mining on other areas and the impact on its peoples health, environment and economies. Trans boundary arrangements has been ignored in terms of water and air pollution.

CE1 The DPD sets out a coherent strategy from which its policies and allocations logically flow and where cross boundary issues are relevant it is not in conflict with the DPDs of neighbouring councils;

Minerals development particularly precious metals and minerals has devastating impact on cross border issues. The council are not highlighting the fact that the largest cyanide gold processing plant planning application is intended to be situated in Greencastle. Yet the consequences of this cross boundary in terms of water and air pollution is immense, while the negative impact of having this toxic monstrosity will have a negative impact on tourism and agriculture. This is before we mention the cumulative impact of various other mines operating across the region.

Indeed there is a seam of uranium running from Donegal to Fintona direction which is surely destined to be mined in the near future. Gold mining is the most damaging to health and the environment only beaten by uranium mining. The impact of allowing these forms of mining in FODC will be devastating.

CE2 The strategy, policies and allocations are realistic and appropriate having considered the relevant alternatives and are founded on a robust evidence base;

Cyanidation method, like fracking should be prohibited. Firstly as it is not the Best Available Techniques as deemed necessary by PPC application as there are many

more methods of extracting gold that does not require cyanide or mercury, which will be addressed later on. Ironically Galantas won an environmental award in 2017 as the process employed there is both cyanide free and mercury free.

One of the most important alternatives is that of developing the FODC purely for tourism as opposed to adopting a precious metals and minerals strategy. To date nobody has produced a report showing the benefits of adopting a minerals development strategy, yet FODC has embraced Minerals Development fully. Before FODC adopts this policy it is essential to demonstrate why this council is prepared to risk our wonderful environment and the health of our people by producing evidence to prove same?

A full regional report, followed by a localised FODC report, must be completed, showing the economic, social, environmental impact of such a minerals development policy, taking into account impact on health, increased security, impact and cost to water and air, impact on tourism, agriculture and fishing.

One of the largest negative impacts which we will cover later in all forms of precious metals and minerals extraction is that of acid drainage. This occurs for hundreds of years and costs hundreds of millions of pounds to remedy. Should our local rate payer foot the bill for this? Dalradian won't be here when we are left with the health effects and environmental damage.

CE3 There are clear mechanisms for implementation and monitoring; and

There is evidence of implementation and monitoring but the focus are on the wrong areas, where protection of peoples health and the environment should be paramount. More focus should be placed on improving our tourism offering as per the SEA. e.g. Monitoring point 21-extent of mineral reserves and extracted mineral assets – The Relevant SA Objectives, based on SEA/RDS should be 10, 11, 12, 13, 15 &17. These all need to be revised with this in mind. Fundamentally the health of our people should be foremost with the environment next as our tourism economy hinges on it – Tourism is reported to generate £1bn per annum by 2020.

CE4 It is reasonably flexible to enable it to deal with changing circumstances.

The only manner that this is flexible is in the favour of mineral development. This entire report has been designed to facilitate the precious metal and mineral plus industrialisation agenda at the expense of the environment, tourism and health based upon the prevalence of various exclusion clauses & mitigating measures. This has to be totally reviewed.

It is clear from reading this draft report that it does not incorporate an assessment of environmental effects, it fails to comply with the requirements of the European Directive 2001/42/EC and on the assessment of effects of certain plans and programmes on the environment (SEA Directive) and the Environmental Assessment of Plans and Programmes, Regulations (Northern Ireland) 2004, in relation to Minerals development particularly the provision of mitigating measures and exclusions to allow mineral development (more specifically precious metals and minerals), proposed designations in maps including the areas identified for wind energy, the essential downgrading of the internationally designated Ramsar sites

specifically the Black Bog (effectively airbrushed from the report), the merging of native quarrying processes to seamlessly incorporate the development of precious metals and minerals governed by the same rules, regulations and guidelines, ignoring the dangerous, toxic chemicals used in the processing of same.

Having read the SA and SEA it is apparent that FODC has not taken in consideration these reports nor indeed that of the Regional Development Strategy. According to 5.3.11 of Practice Notes 6 (soundness) A council must be able to demonstrate that has met all the legislative requirements regarding SA and SEA. Looking at table 2.2 SEA Objectives (Final Environmental Report Sept 2015), all eleven of them support sustainable development with even no. 8 - Material Assets referring to point a) safeguard natural resources including minerals and peatland) and minimise unsustainable use.

There were apparently over 900 responses to the initial consultation, from my knowledge a vast number opposed gold mining and the use of cyanide. The current draft report fails to address these concerns. These letters of objection should now be made public to provide full disclosure. Community involvement seems to be sacrificed to allow a minerals development friendly strategy, ignoring the key principles of the SEA.

The Draft Plan Strategy is so totally conflicted that it does not make sense. On one hand tourism is quite rightly being promoted as a sustainable strategy and then mineral extraction is being promoted in an AONB that will potentially effect ASSIs, SAC and even the Ramsar site(Black bog).

Draft Policy TOU01 – Protection of Tourism Asset and Tourism Development refers to the Council will not permit any form of development that would, to paraphrase, have an adverse impact. How can FODC have a sustainable tourism industry, as per SEA, but yet fully embrace a toxic mineral extraction industry and wind turbine installation programme essentially causing the industrialisation of the Sperrins, an AONB? The precious metal agenda has to be removed from this draft strategy to ensure sustainable development.

An Creagan, which according to Department figures attracts 35,000 per year is hardly mentioned in this report and this facility will be decimated with the imposition of the largest cyanide processing plant in Western Europe, similarly the Black bog.

Draft Policy Min02 – restoration and aftercare is woefully inadequate – As shown above given there is not a policy for a precious metal and mineral strategy hence MIN02 should be obsolete.

If still in existence and given the potential to harm environment and consequently people - The council should insist on realistic public liability insurance cover must paid in advance for life of mining operation” by the applicant plus before planning is granted to cover worst case scenario a bond covering “accidents” during operation(e.g. £300m for cyanide).

At the outset a realistic Warranty and financial bond must be in place for closure and remediation so the public purse is not liable (local council). This must take cognisance of similar projects and environmental circumstances e.g. typical closure costs of gold mining in the US including monitoring and remediation of

sulphurification/acid rock is \$200m to \$350m. This has to be paid for in advance and must be paid for for at least 100 years - Dalradian has allowed only \$16m throughout life of mine and \$16m on closure, woefully inadequate. Tax payer will have to foot this bill and Dalradian will be long gone.

Draft Policy L01 – Firstly this undermines the AONB designation which should be of the highest protection and conservation. The Proposal Map 1 – North East has only a small area of The Sperrins AONB designated which is mystifying. The recommendation is to extend the entire Sperrins AONB to the highest level as per SEA 1.3 4.

Draft Policy HE02 – Archaeology

Proposed Area of Significant archaeological interest is too small. First the Green Road, dating from 10th Century was an arterial route and was used by O’Neills to go from Tullyhogue fort to Donegal. This road and surrounding area should be designated on Map 1 given the potential for archaeological features.

An Creagan and surrounding area should be designated on map 1 – North East given there are 44 archaeological monuments surrounding the centre.

Policy clarification 5.12 should be removed as once again this draft report has pandered to the whims of the industrialisation of the Sperrins. This AONB and its archaeology must be protected rather than sacrificed for unsustainable industries, once again deviating from the SEA and HRA.

Draft Policy Min04 – Unconventional Hydrocarbon Extraction

This proposal affords some form of protection from fracking “until it is proved that there is no adverse effects on the environment or public health”.

The same protection should be afforded to the use of cyanide as is for Draft Policy Min04 – unconventional Hydrocarbon Extraction.

Germany, the Czech Republic, Hungary, Turkey, several Argentine provinces and the U.S. state of Montana have banned the use of cyanide to extract gold from low-grade ore, given the adverse effects on health and the environment.

On 28 April 2017 the European Parliament voted with an unprecedented strong vote of 566 in favour and 8 against for the European Commission to ban the use of cyanide-based mining in the European Union as soon as possible. Given this overwhelming vote to ban this toxic process are our Civil servants even considering gold processing using cyanide, in a region of that does not have a mining industry let alone monitoring or control mechanisms in place.

The European Parliament cited that *over the past 25 years more than 30 major accidents involving cyanide spills have occurred worldwide*, and that *“there is no real guarantee that such accidents will not occur again, especially taking into account the increasing incidence of extreme weather conditions, inter alia heavy and frequent precipitation events”*.

In view of the recent storm of 22nd August 2017 when large parts of the Sperrins slid down the mountainside, and indeed the devastating flash floods (1st & 8th June 2018)

in parts of Tyrone, disastrous environmental consequences would have resulted had this toxic waste dump, tailings and settlement ponds been on site.

Given this overwhelming vote to ban this toxic process, I recommend that FODC should not permit the use of cyanide in this gold processing in Draft Min05. This is particularly pertinent given that the proposed cyanide gold processing plant in this Area of Outstanding Beauty, approximately ½ mile from 120 pupil primary school, in an inclement weather area, 300m above sea level, above tributaries that flow into watercourses that is used for drinking water.

In the same vein, as Draft Policy Min04 and as part of HRA, SEA and indeed the RDS given that FODC is a member of Nuclear Free Local Authorities it is vitally important that the council specifically rejects higher activity radioactive nuclear waste being stored in a Geological Disposal Facility situated our District Council. This must be included in the Draft Policy to avoid future issues.

RAMSAR SITE – Black Bog

Draft PolicyNe01 – Nature Conservation states that the council will not support any development that will adversely affect the integrity of an SAC, cSAC, SPA, pSPA site or proposed Ramsar Site unless it is demonstrated that: It then goes on to list 3 ways to overrule these decisions with the final being “it meets a social, environmental or economic benefit of national or regional importance and compensatory measures are provided.

This is the polar opposite effect of the SEA - 1.3.4 Aims and Objectives particularly in relation to “Furthering Sustainable Development” and Core Planning Principles particularly “Natural Heritage” to assist in meeting international, national and local responsibilities and obligations, reinforced by SEA objectives 2.2.3. Indeed this also goes against HRA. Where in the SEA does it provide the council with guidance to develop this exemption clauses?

What Draft Policy NE01 does is to downgrade The Black Bog, an internationally recognised Ramsar Site to the equivalent as an SAC, cSAC, SPA, pSPA site.

According to Ramsar “A Ramsar site is recognised as being of significant value not only for the country or the countries in which they are located, but for humanity as a whole.” The Black Bog took thousands of years to grow and under no circumstances must it be put in danger. The Black Bog in its own right is a major tourist attraction to this area. It is a natural habitat to various rare flora and fauna.

Draft Policy NE01 takes no consideration of international law, and indeed essentially allows its destruction based on a benefit of regional or national importance.

This is an internationally recognised Ramsar site with the following designations (AONB, ASSI and EU Natura 2000). It is protected under the international (Ramsar) convention whereby adverse changes to the ecological character of a site is prohibited as per Article 3.2 of the Convention and Recommendation 4.8 (1990), which established the Montreux Record.

According to Article 3.2 of the Convention, "Each Contracting Party shall arrange to be informed at the earliest possible time if the ecological character of any wetland in its territory and included in the List has changed, is changing or is likely to change as the result of technological developments, pollution or other human interference."

Contracting Parties commit to inform the Secretariat of such changes.

Has FODC informed the Secretariat of such changes - likely to change as the result of technological developments, pollution or other human interference? Have they informed the secretariat that they have made provisions in the Local Development Plan to allow such changes?

I fundamentally recommend that Ramsar site is removed from point (a) of Draft Policy NE01 – Nature conservation and a separate paragraph is provided stating; "any development that has the potential to have an adverse effect on an internationally designated RAMSAR site will not be permitted."

One can clearly see that the "Black Bog" is protected by AONB, ASSI and EU Natura 2000 status and a gold processing plant and gold extraction will destroy this delicate ecological system.

The status of the Black Bog, despite being an internationally designated RAMSAR site, is being eroded by our local council's draft strategy, who are in effect are trying to downgrade this importance of this highly sought after accolade.

One major concern is that these Toxins will affect the Black Bog, located close to this processing site. Dust will affect the ecology of this precious site, however dust with toxic contaminants will unquestionably damage this delicate eco-system. The toxic emissions from the transportation of materials alone would be enough to detrimentally affect this precious ecological site. The ASSI management guidelines clearly show that Bogs depend on rainwater and maintaining a high water table is vital to the "health" of the bog. In addition, the peat soils and many of the species that grow there are very sensitive to physical disturbance.

Diversion and disturbance of underground water sources will undoubtedly affect this site, with deadly toxins both in air and water form destroy the ecology of this site which took thousands of years to grow

At Formil, the geological formation means that the underground water system will be disrupted to negatively affect, lower the water table, of the black bog. Based on the Ramsar management plan it is fundamental that air quality and the water table (hydrology) is protected. How can this be allowed to happen?

According to the Department of the Environment for Northern Ireland declaration of Area of Special Scientific Interest (ASSI) at Black Bog Co. Tyrone, Article 24 of the Nature Conservation and Amenity Lands (Northern Ireland) Order 1985 clearly states the following activities will damage the flora, fauna and physiographical features of the area: The alteration of water levels or water tables or utilisation of water (including storage or abstraction). •Extraction of minerals including peat, sand, gravel, topsoil or sub-soil

According to The Environment (Northern Ireland) Order 2002 Article 28(2) the Environmental and Heritage Management Plan states:

Bogs depend on rainwater and maintaining a high water table is vital to the "health" of the bog. In addition, the peat soils and many of the species that grow there are very sensitive to physical disturbance

One of the by products of the cyanide processing is ammonia, very damaging to flora, particularly heathers and indeed those aforementioned rare species. Additionally ammonia will also be present in the tailings and may become airborne. Fundamentally in accordance with Habitats Regulation Assessment legal precedence states

Waddenzee (C-127/02) - landmark ruling on art. 6 of the Habitats Directive, mere probability of significant effect would be sufficient risk, precautionary principle, AA, created the procedure, any doubt/uncertainty about the effects of the project, authorisation must be refused. Also touched on plans/project, EIA, Art6(2).

Sweetman (C-258/11) - Expands on and clarifies the findings of Waddenzee. art. 6 should be read as a whole to prevent death by a thousand cuts, competent authorities can not authorise plans or projects which risk causing lasting harm to sites hosting priority natural habitat types. Where AA or competent authority decides the project will cause lasting or irreparable loss of even a part of the natural habitat whose presence was the reason for the site's designation should inevitably lead to the conclusion the plan or project will adversely affect the integrity of the site.

Draft Policy RE01 - renewable and Low Carbon Energy Generation - Wind Turbines Sperrin AONB- Based on SEA and HRA FODC should be/ trying to preserve the entire Sperrin AONB. Instead the FODC are attempting carve it up by allowing wind turbines into this area by designating a large swath of it (ironically Dalradian's main mining areas) as an area of limited underlying capacity. Why is the entire Sperrin AONB not an "Area of No Underlying Capacity" as is Bessy Bell and Gortin and South Sperrins? This is one of the most scenic natural valleys in our district yet. I recommend making the Sperrins AONB an "Area of No Underlying Capacity" to preserve its natural habitat.

What criteria was used to determine these areas capacity? who determined it? based on what evidence?.

By undertaking this local area plan and by putting in place this development plan to allow more wind turbines in certain areas this means that FODC must now be fully responsible and liable for any health issues arising from these wind turbines. FODC should specifically take cognisance of the health implications of Infrasound and low-frequency noise, as by creating this plan, and indeed by allowing other wind turbines in areas of Significant cumulative development FODC is liable.

Likewise by defining certain areas as in an Area of constraint on Mineral Development and then allowing a developer ways to mine these areas through mitigating measures, FODC is complicit in allowing whatever future health and environmental consequences that results from the developers negligence. The health and environment should in effect be the primary responsibility of a governmental body, at no point should economic gain, particularly by a private entity, be given preferential treatment.

This is particular true when mining for precious metals and minerals when toxic chemicals processes are being utilised, which are well documented to cause health and environmental issues. For example cyanide is banned in several European countries, a number of US states and various countries throughout the world. FODC, by developing a policy document which essentially will facilitate developers, is unquestionably complicit and in my opinion joint and severely liable for any consequences.

[REDACTED]

[REDACTED]