

**Anne Fitzpatrick**

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**From:** [REDACTED] <[REDACTED]>  
**Sent:** 20 December 2018 23:43  
**To:** Development Plan  
**Subject:** Response to Council Local Development Plan from CAMIO

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Response to: FODC Local Development Plan 2030 – Draft Plan Strategy

I [REDACTED] would like to make representation and to make the following points -:

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Setting the Context of this Response

1. Collapse of Credibility at the Heart of Government and Planning: This Consultation on the Draft LDP Strategy 2030 comes at a time when confidence in regional Government, in statutory regulation, management and policy enforcement is at rock bottom. The 2018 Public Inquiry on the Renewable Heating Incentive (RHI) [the Report by Rt. Hon. Patrick Coughlin, Dame Una O'Brien & Dr. Keith MacLean is expected in Spring 2019] exposed a litany of mismanagement, maladministration, corruption of initiatives promoting 'green policies', abuse of public monies, favouritism, systematic abuse of FOI/EIR procedures by government and civil service, incompetence and much more. The subsequent and emerging policy scandals enveloping Anaerobic Digesters (Ads) and factory pig and chicken farms have exacerbated the credibility gap. Furthermore, planning debacles including the Mobouy illegal 'superdump' on the outskirts of Derry City, or the ongoing biggest illegal quarry in Europe extracting sand from Lough Neagh, do anything but suggest that the people of Fermanagh & Omagh District should follow the direction of Strategic Planning Division/DfI. The recent Appeal Court Judgement in Belfast, in the Case of Donnelly versus the Department for Infrastructure reinforced the view of the Judicial Review Court that 60 hectares, not 81 hectares at Cavanacaw benefited from Planning Permission, as claimed in both courts by the Department and by Galantas mining. Once again stark questions about the Department's professional competence remain.

2. Lack of an Independent Effective Environmental Authority: There is no independent regional environmental authority in Northern Ireland and the subservience of environmental protection duties to supporting development within DAERA/NIEA has been repeatedly identified as a major issue including by former Ministers with responsibility for the environment. Whereas small scale business or farming operations are frequently forced to comply with environmental regulations and standards, it appears that bigger industrial companies are not held to the same standards, despite the fact that the big companies risk having a much greater negative impact on the environment.

3. This Fermanagh & Omagh Plan 2030 Consultation on the Draft Plan Strategy October 2018 has to be the most difficult of consultations for the public to engage in. For any member of the public brave enough to contemplate making a submission, the obstacles are excessive: the coded language, the rigid timetable, the warnings that if you don't write your submission in a specific way it will be disregarded, and the reference to other documents, some of which in themselves are inaccessible. Is the intention to put off all except the professional lobbyists who have a financial interest? For those of us whose input at an earlier stage of the process has been all but ignored, it is especially difficult to retain hope that our submission will be afforded due weight. We had been enthusiastic to convey the potential of a unique rural tourism package with a difference in the Sperrins AONB and to convey the incompatibility with an industry using many tons of cyanide in the Owenkillew Valley and discharging mercury, lead, arsenic, zinc, copper, suspended solids, flocculants, etc. into the Owenkillew/Owenreagh Special Areas of Conservation. Despite referring to the need to afford environmental protection to areas such as the Sperrins AONB the Draft Plan goes on to propose allowing for the possibility of gold mining anywhere right throughout the District

without regard to the environmental impact. Just like the Department for the Economy, Planning and DAERA, the authors of this document appear to be influenced by the industry in a disproportionate and unreasonable manner.

#### 4.0 ECONOMY - Minerals Development (p122)

##### Minerals Development – Context and Justification

4.72 states: “Valuable minerals such as gold, silver, lead and copper are also present but are more limited in occurrence.” The Tellus Project NI, an airborne geological survey carried out by the BGS British Geological Society in 2005-6 has mapped a high concentration of mineral rich areas throughout Tyrone and Fermanagh, specifically the Sperrins (particularly around Greencastle), Omagh (Killyclogher and Cavanacaw) and some parts of Fermanagh. Therefore it is wrong to state that they are limited in occurrence. Please view the map below as evidence.  
<https://www.bgs.ac.uk/gsni/minerals/maps/PDACAu.html>

The draft strategy has identified a number of Areas of Constraint for Minerals Development. While the Draft Policy MIN01 (p123) states that the Council will support proposals for minerals development where it is demonstrated that they do not have an unacceptable adverse impact. We believe that minerals development should not be permitted within identified ACMDs.

We believe that within the draft strategy, specifically within the Minerals Development section of the Economy (4.0) and the Natural Environment (5.0), there should be a clear FODC policy or position on the processes and materials used in extractive industries, with specific reference to the use of (but not limited to) the cyanidation process for the mining of gold and silver. The negative environmental impact of this extractive industry is well documented globally and mining is a major contributor to environmental damages. A number of European countries, including the Czech Republic, Greece, Turkey, Germany and Hungary, have banned cyanide leach technology in gold and silver mining.

[http://www.justiceandenvironment.org/\\_files/file/2011%20cyanide%20analysis.pdf](http://www.justiceandenvironment.org/_files/file/2011%20cyanide%20analysis.pdf)

On 05/05/2010 the European Union passed a resolution European Parliament resolution of 5 May 2010 in favour of a general ban on the use of cyanide mining technologies within the European Union

<http://www.europarl.europa.eu/sides/getDoc.do?pubRef=-//EP//TEXT+TA+P7-TA-2010-0145+0+DOC+XML+V0//EN>

On 28/04/2018 the EU Parliament reiterated its call to the European Commission to ban the use of cyanide-based mining in the European Union as soon as possible, as well as passing a resolution on the implementation of the Mining Waste Directive (2006/21/EC). This was passed by a majority vote of 566 to 8 of EU Members.

<http://miningwatch.ro/en/category/stiri-minerit-in-lume/>

European Parliament resolution of 27 April 2017 on the implementation of the Mining Waste Directive (2006/21/EC)  
<http://bit.ly/2oSEm27>

Reference to two cyanide spills in Baia Mare, Romania in early 2000, which caused serious ecological and environmental damage to the Szamos – Tisza – Danube River system, causing one of Europe’s largest ecological disasters was clearly referenced as evidence for the implementation of this directive. Toxic materials killed many organisms, which damaged ecological system, food chain and essential human use of the river.

[http://documents.rec.org/publications/Cyanide\\_spill\\_June2000\\_EN.pdf](http://documents.rec.org/publications/Cyanide_spill_June2000_EN.pdf)

<http://archive.rec.org/REC/Programs/PublicParticipation/DanubeInformation/Tisza.html>

The Precautionary Principle as detailed in Article 191 of the Treaty on the Functioning of the European Union, with regard to minerals development and the use of the cyanidation process should be applied by FODC, as it aims at ensuring a higher level of environmental protection through preventative decision-taking in the case of risk.

## 5.0 ENVIRONMENT – Natural Environment (p143)

### Natural Environment - Context and Justification

5.35 states: The importance of the natural environment with its diversity of habitats, species, landscapes and earth science features is recognised in both the rdS and SppS. Our Council area is rich in habitats and species. In recognition of the unique and special natural attributes that it has to offer, there have been a variety of important protections bestowed upon areas and these include internationally important designations made under the auspices of the birds directive (which protects wild birds and their habitats) and the habitats directive (which protects habitats and other species of animal and plants).

Gold mining, in particular the cyanidation process it uses has the potential to poison the water table, the Owenkillew, Owenreagh Rivers, SACs and the Foyle and Ballinderry River Systems. The risks to people, animals and fish have not been fully considered Risks to migratory birds from drinking at tailings ponds is well known from global studies.

Heavy metals, especially mercury, contaminate water systems forever for example the River Carson, Nevada, which has been designated a Superfund Site as clean up from mercury contamination continues 150 years after mine closure.

Extensive areas of active peatland are threatened by any minerals development. Within identified areas of ACMDs the largest area of raised bog in Europe, the Black Bog, a RAMSAR site is situated and its continued existence would be seriously endangered by any minerals development.

The history of lax regulation in Northern Ireland gives no assurance to the public. In addition, the history of pollution incidents and exceedences of discharge limits by the company gives no confidence that risks would be effectively managed. Furthermore, Dalradian does not have the support of the people of the area.

The dangers with using cyanide for extracting gold and silver has not been explored. The cumulative impact of acid water, heavy metals & radioactive contaminants, hydrogen cyanide gas, mercury smelting etc. are not addressed within this strategy. The risks for the local community and for the environment regionally are too high and cannot be mitigated by planning conditions.

<https://www.ncbi.nlm.nih.gov/pubmed/15369321>

The Precautionary Principle as detailed in Article 191 of the Treaty on the Functioning of the European Union, with regard to minerals development and the use of the cyanidation process should be applied by FODC, as it aims at ensuring a higher level of environmental protection through preventative decision-taking in the case of risk.

Draft Policy HE02 - Archaeology Development proposals which would adversely affect archaeological remains of regional importance or the integrity of their settings should not be permitted in any circumstances because of the intrinsic historical and cultural value of such remains. No fiscal price can be put on the value of such archaeological remains and their settings. All recorded archaeological sites should benefit from statutory protection, not just designated sites.

### Natural Environment - Context & Justification

It is heartening to see the Council acknowledge “the importance of protecting, conserving, enhancing & restoring the natural environment & seeking to halt the loss of biodiversity & habitats”. However, it is puzzling when these same sentiments are contradicted by Draft Policy NE01 - Nature Conservation, Draft Policy NE02 - Protected Species & their Habitats & Draft Policy NE03 - Biodiversity, where exceptions are made in each case.

5.46: NB. Corrections:

Glenelly is not in FODC area but in Derry Strabane Council area. Owenkillew is not a mountain valley. Both the Owenkillew & Owenreagh Rivers are SACs due to the presence of freshwater pearl mussels, salmon spawning & otters.

5.47: It is surprising that only Mullaghcarn and Gortin are mentioned as being scenic - did the writers of this draft LDP visit Creggan, Greencastle, the Owenkillew Valley, Coneyglen, Glenlark, Glenhull & Broughderg and not consider them every bit as scenic? NB. Correction: The Black Bog is not blanket bog but the largest area of raised bog in Europe and it is designated as a RAMSAR site. Furthermore, there is a Nature Reserve at Creggan which was designated a few years ago, but it doesn't seem to be included in your map or Plan

5.48: I wish to enquire who carried out the Landscape Character Assessment of the area and when? Where is it available? How did the Council decide 'the three areas which are the most important valued landscapes of the Council area'? Not meaning to take away from Fermanagh, what criteria were used to exclude the Sperrins AONB, including the Owenkillew Valley, Barnes Gap, Glenlark, Glenhull & Coneyglen? Draft Policy L01 - Development within Sperrin AONB

5.50: What is meant by new development? Is it housing or industrial development? Draft Policy L02 - Special Countryside Areas. Children of people who have lived in these areas for years should be allowed to build houses there if they wish. Otherwise these areas will become uninhabited.

Draft Policy L03 - Areas of High Scenic Value (AoHSV) It is unbelievable that no areas of High Scenic Value have been identified in Tyrone. This proposal has to be examined again. The Sperrins AONB has been recognised by National Geographic as being in the top one hundred most scenic drives in the world yet FODC can't recognise it!

Draft Policy IB04 - Industry & Business Development in the Countryside

FODC supports major industrial proposals in the countryside "where it can be demonstrated that it would significantly contribute to the regional economy". I am completely opposed to this as the views of the people living in the countryside have not been considered. As rural dwellers in the Sperrins AONB, we see ourselves as the custodians of the countryside and have a right to be heard. We certainly don't want the Sperrins to become the industrial zone for NI. Therefore, FODC should oppose any major industrial proposal in the Sperrins AONB. Draft Policy IB06 - Agricultural & Forestry Development FODC should oppose all plans for intensive farming and animal husbandry, i.e. pig and poultry farms, as they result in significant adverse environmental effects. There is an intensive pig farm in Derry & Strabane Council area where the foodstuff is flown in from Brazil, the pigs produce 'shit' equivalent to that from 12 million people and the pork meat is flown to China. The slurry from this farm (containing ammonia, antibiotics, nitrates, etc.) is spread on the land and enters the water system. We do not want such pollution to be allowed in our Council area.

I note that both RDS and SPPS promote "a sustainable approach to tourism development" (4.44). "This requires policies which facilitate appropriate and safeguard tourism assets from harmful development." In view of the information readily available internationally on gold mining, cyanide leaching and the risks from tailings and discharges from gold mining in the short run, gold mining is incompatible with sustainable tourism in the Sperrins AONB. The AONB should be a 'no precious mineral mining' area. Regarding Draft Policy TOU01: (i) The draft policy should specifically include a statement that in view of the intolerable risk of enduring environmental damage, precious mineral mining will not be permitted in or close to the Sperrins AONB or in areas hydraulically linked to protected waterways, wells or reservoirs. (ii) This draft policy should also include a commitment that this Council will facilitate the development of an Omagh Sperrins AONB tourism timetabled action plan to embrace the amazing scenery, rivers, culture, folklore, customs, language, archaeology, fishing, FWPM, access opportunities, etc. in conjunction with existing providers and led by the community

Draft Policy TOU02 - Tourism Development Although the Tourism Strategy states that promotion of the Sperrins will result in increased visitor numbers and demand for tourist accommodation, the policy seems to be against self-catering accommodation in the countryside, which, I believe, should be promoted because this is what many visitors want. Clarification request: What does 'ancillary to' mean in relation to tourist provision?

(P.117) What does 'the Plan's Growth Strategy' mean in 4.58? (Page 117) Minerals Development - Context & Justification I believe that precious minerals such as gold and silver should not be included alongside aggregates such as sand and gravel as they are very different in terms of extraction methods, processing methods, discharges & long-term damage to health and environment.

Draft Policy MIN01 - Minerals Development Evidence from many countries worldwide shows that mining for precious metals, like gold and silver, 'has an unacceptable adverse impact upon: the natural environment, the

landscape & natural amenity, the historic environment, the water environment, public, human health & amenity of people living nearby or working in the mine, & road safety & inconvenience of road users' as well as a host of other negative impacts.

The Draft LDP fails to acknowledge that FODC is an area identified by GSNI as high in radon gas. Mining for gold in such an area would release more radioactive contaminants into the air causing additional cancers. Therefore, FODC should completely forbid gold mining in the Council area.

It is disingenuous of FODC to talk about Areas of Constraint on Mineral Development. People reading it would initially think that these are areas where the Council would protect the environment from mining, but unfortunately this is not the case – there are exceptions if they meet a far from robust additional criteria. There should be absolutely no mineral development in ACMD or any part of the Council District.

Draft Policy MIN02 - Restoration & Aftercare This is a joke in relation to mining as FODC knows how Dalradian Gold never adhered to the conditions attached to their 3 year exploratory mining approval granted in January 2014 - one of the conditions was to restore the site to its former state and this has never been done. In fact, FODC planners failed to take any Enforcement action against Dalradian but colluded with them throughout 2017 until Dalradian submitted their new Planning application on 27th November 2017 which included a request to retain the exploratory mine.

Restoration of mine sites is rarely done by mining companies, as can be seen globally - the developers leave when they've got the precious minerals mined, processed and taken to their own country (usually Canada). Many declare themselves bankrupt and the local authority is left to clean up the mess in perpetuity.

Draft Policy MIN03 - Mineral Safeguarding Areas No map of Mineral Safeguarding Areas has been provided but it is alarming to read that 'identification of the extent of MSA's will be undertaken using current geological and mineral resource information and in discussion with the minerals industry'. Do turkeys vote for Christmas? GSNI have worked closely with Dalradian since 2010 when they set up in NI; GSNI have done a promotional video for Dalradian and spoken at an investor's conference in Toronto in March 2018!

The exemptions are also unclear: 'applications for householder development' - what does this mean? Can our children build houses in a MSA if that is where we live?

Draft Policy MIN04 - Unconventional Hydrocarbon Extraction This is the only positive draft Policy in this section on Economy and it is to be welcomed. Mining is similar to fracking and I would urge the Council to adopt a presumption against the granting of planning permission for mining of precious metals anywhere in the Council area, due to a significant and growing concern in respect of the social, public health, economic and environmental impacts associated with mining.

I note that the legal status and policy context of the LDP require that it, "must be prepared within the context of the Council's Corporate Plan and the Council's Community Plan".

Further, in 2.7 Sustainable Development priorities emphasise that environmental priorities must not be treated as of secondary importance to short term economic factors. The proposed Regional Development Strategy 2035 sets a foundation based on sustainable development as essential.

The Sustainable Water Strategy 2015-2040 (2.12) proposes "a sustainable and integrated approach to managing all our different water needs in a manner that promotes regional development without compromising the environment or increasing flood risk". The Strategic Planning Policy Statement (SPPS) – Planning for Sustainable Development

2015 (2.13) again sets "sustainability" and "preserving and improving the built and natural environment" as fundamental planks for the LDP. While the FODC Draft Strategy is careful to acknowledge all of the above policies, it fails to acknowledge the fact that precious mineral mining, specifically gold mining is an unsustainable activity. Moreover, and this is something that will be addressed further in this submission, the Draft Strategy totally fails to acknowledge the toxic impact of the highly poisonous substances involved in gold mining: cyanide, arsenic, mercury,

cadmium, zinc, chromium and the in-perpetuity risk of discharge of these substances into waterways, land and into the atmosphere. It is disingenuous that a Policy Document such as this FODC Draft Strategy for the next decade that recognizes 'climate change' and environmental policy should fail to acknowledge the incompatibility of gold mining and 'preserving and improving the sensitive environment of the Sperrins AONB'.

Whereas, 3.4 states that the Draft Strategy has been subject to a Habitats Regulation Assessment (HRA), this needs to be clarified and I request a copy of the Terms of Reference for the HRA as well as a copy of the HRA itself. The lack of information regarding gold mining provided in the accompanying documentation is compounded by the fact that the draft document FODC Minerals Policy Oct. 2018 is clearly informed by gold mining interests and the Quarry Products Association in an unashamedly imbalanced way. The document quotes from a 'Curraghinalt Mineral Resource Statement' of May 2018 and presents as factual information projections that even Dalradian's Public Relations company surrounded with all sorts of caveats and conditions.

6.0 INFRASTRUCTURE 6.1 Flood Risk Management: points out, "Climate change and global warming are resulting in sea levels rising at an accelerating rate and more periods of heavy rainfall and intense storms." It goes on to point out that this can lead to flooding and erosion and land instability resulting in wasteful expenditure for the public purse on remedial works. "This type of flooding is liable to be sudden with a response time likely to be short and so can potentially have devastating consequences."

6.2: It is not clear that the authors of this Strategy have taken on board the reality of local experience of such flooding events in recent years. Can I suggest examples of flash flooding: 22nd August 2017, 1st June 2018 and 8th June 2018? Each of these impacted severely on the Owenkillew River and Owenreagh River valleys.

Regarding the extraction of precious mineral deposits and 'ancillary' development (FLD01b) it is incongruous to propose that such activity should be allowed in this situation on alleged grounds of 'exceptional benefit to the regional or sub-regional economy' (FLD01c).

FLD01 d) Minor Development. The heading on this section does not relate to the content? Draft Policy FLD02. In view of the Policy Context provided, this proposed policy would be counterproductive and would exacerbate the situation. Policy Clarification 6.10. Again, in light of the acknowledged and stated policy context, the answer is to avoid development in such areas of flooding. Surely this District and others have witnessed too many examples of bad practice to ignore the obvious risk and make the public purse liable for the ongoing and repeated costs.

FLD05 Artificial Modification of Watercourses: The proposed Policy flies in the face of the policy clarification and of experience throughout the District.

Draft Policy RE01. Renewable & Low Carbon Energy Generation: Wind Energy. The policy should include arrangements for ongoing adjustment to include taking on board emerging evidence of negative impacts on health and well-being. In light of new evidence and the experience of local people living near wind turbines of the impact of low frequency noise, shadow flicker, etc. the distance from dwellings should be greatly increased. Owners of windfarms should be required to prove that they have adequate public liability insurance to compensate people in forthcoming class action lawsuits; otherwise the liability will fall to the local authority. Whereas Fermanagh & Omagh District Council embraced wind energy energetically when awareness of the downsides was unknown locally, the Council District has become overwhelmed with wind turbines and wind turbine farms. The scale of wind turbines appears to have grown exponentially and the proximity to where people live is clearly inappropriate. The negative impact on visual amenity, on the quality of life of people nearby including low frequency noise and shadow flicker and the detrimental impact on tourism potential of an area are some of the facts that are well known now. The negative impact on physical and mental health and well-being is a cause of major concern. It is not acceptable that this Council District should become a dumping ground for types of industry that are not wanted elsewhere. Furthermore, in light of the scandals that have come to surround all the 'green energy' schemes funded from the public purse, there is an urgent need for a comprehensive and independent review of the wind energy business in Northern Ireland before any further planning applications are recommended for approval.

Regarding “Wind Energy Proposals o)”, this point is meaningless as written, perhaps a timetable is missing? Draft Policy PU02 Overhead Electricity lines. The Policy should specify that overhead power cables and pylons carrying heavy duty electricity lines should not be permitted in the Sperrins AONB.

Waste Management Facilities Draft Policy WM01 Given the risks associated with poor management or abuse of waste management arrangements, future/new waste management operations should be owned and operated by the local authority. The details and cost to the public purse (including future costs) of abuses of dumping operations should be made public and form part of this consideration.

#### 7.00 MONITORING & REVIEW

It is to be welcomed that the LDP is to be a flexible document capable of responding to new needs and circumstances as the evidence of climate change impacts continue to emerge. The Monitoring Report 7.3 should include a detailed data set on weather events, localized floods and land slippage events. It is not apparent that an adequate dataset is currently collected. Localised flooding, including blocking of the B46 road at Rouskey on June 1st 2018 and June 8th 2018, appears to have been occasioned by groundworks and interference with surface water drainage for wind turbine development. It is important that all such events are recorded and form part of the Monitoring Review for the District. Soundness I believe that this FODC Draft Plan Strategy falls short on the Soundness Test as described in the Procedures for Independent Examination of Local Development Plans.

Name [REDACTED]

Address [REDACTED]

[REDACTED] Date 20/12/2018