By email: minerals@economy-ni.gov.uk

Dear Sir/Madam

Dalradian Gold Limited - proposal to grant prospecting licence in County Tyrone and County Londonderry

Conroy Gold and Natural Resources plc - proposal to grant a prospecting licence in County Armagh

Friends of the Earth wishes to comment on and object to both these consultations and the issuing of licenses.

Having considered the nature of the consultations, the advertising process, and the failure to adhere to statutory obligations, we consider that the Department has no option but to suspend the process on the grounds of unlawfulness and prematurity.

1. The explicit ‘proposal to grant’ a license by your Department does not sit easily with the purpose of public consultation and the due diligence required of a public authority.

I refer you to the principles of public consultation subscribed to by the Northern Ireland Civil Service: https://www.nidirect.gov.uk/articles/public-consultations#toc-2

You will be aware that the most controversial development issues in Northern Ireland in recent years have been in relation to mineral extraction. The extractive nature of the industry has also been responsible for significant community discord (for example at Cavanacaw, Gortin, Ballinlea, Lough Neagh, and Belcoo) with many environmental and social implications that flowed from a flawed process.

Friends of the Earth considers your approach to this “consultation” to be highly irregular, prejudicial, and predetermined without the due diligence required of a public authority, not least because of the paucity of the information in the advertisements, the inadequate exposition of the legislative foundations of these proposals, and the complex yet undeclared nature of the activities that would be licensed. At the very least a fair and transparent consultation process requires to be carried out.
2. Your ‘consultation’ is premature because it fails to be preceded or accompanied by a Strategic Environmental Assessment. As a plan or programme these issues go far beyond the cultural, archaeological, and heritage context but extend to the need to sustainably plan for resources in the future, the need to consider alternatives and significant spatial planning matters that interface with several local government boundaries. Friends of the Earth insists you withdraw any deemed consent for these applications and suspend the process until such times as a legally constituted Strategic Environmental Assessment is conducted.

The Environmental Assessment of Plans and Programmes Regulations (Northern Ireland) 2004 sets out the requirements for Strategic Environmental Assessments to be carried out on plans or programmes within Northern Ireland for which the first formal preparatory act is on or after 21st July 2004, or where the first formal preparatory act is before 21st July 2004 but it has not been adopted or submitted to the legislative procedure for adoption before 22nd July 2006. In legislative and policy terms we consider that you have no option but to prepare an SEA for the licensing regime.

3. A further argument on prematurity grounds concerns the consultation on the removal of Permitted Development Rights (PDR) on certain types of mineral activity which has yet to be determined by the Department for Infrastructure. Dalradian, for example, has held prospecting licences and availed of PDR for hundreds of boreholes. At Woodburn Forest controversy over a PDR issue for minerals cost the public purse several millions of pounds. Until such times as the consultation of PDR is resolved by another Department it is perverse and irrational to allow further opportunities for the granting of licenses while the legal governance issue has not yet been determined. The Department for Infrastructure’s consultation on PDR proposed the removal or restriction of PDR for certain mineral developments (and we are aware of many responses advocating wider applicability to all minerals) yet the Department for the Economy will now significantly expand the opportunity for PDR by enabling new licenses to be issued.

4. Friends of the Earth insists due diligence of Dalradian and Conroy to be conducted thoroughly by the Department and in the public domain. A self-determination process by the company is neither adequate nor in our opinion lawfully fulfilling your requirements for due diligence.

Thank you for considering these comments and accepting our strongest objection to the issuing of these licences.

Yours sincerely

James Orr
Director, Friends of the Earth Northern Ireland

james.orr@foe.co.uk
cc
Derry City and Strabane john.kelpie@derryandstrabanedistrict.com
Fermanagh and Omagh brendan.hegarty@fermanaghomagh.com
Causeway Coast and Glens david.jackson@causewaycoastandglens.gov.uk
Mid Ulster chief.executive@midulstercouncil.org
Armagh City, Banbridge and Craigavon chiefexec@armaghbanbridgecraignavon.gov.uk
Newry Mourne and Down liam.hannaway@nmandd.org