

DFE MPL Consultation dfe-mpla

From: [REDACTED]
Sent: 05 September 2022 19:06
To: DFE MPL Consultation dfe-mpla
Subject: Fwd: Illegal mining activity

Follow Up Flag: Follow up
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Categories: Orange Category

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Dear Sir/Madam,

>

> I wish to object to the granting of Mineral Prospecting Licences OMA1/22, MCTA1/22, KDRA2/22 & KDRA3/22 for the following reasons:

- > 1. These proposed licences cover large geographical areas of Fermanagh Omagh District Council, Derry Strabane District Council & Mid-Ulster District Council. Given that 25% of Northern Ireland is already given out in prospecting licences, the overall cumulative impacts should have been assessed.
- > 2. The outdated culture of pre-determination of these licences is contrary to current recognition of the ecological, environmental & human damage caused by mining and associated activities, as well as their impact on climate change.
- > 3. A Habitats Regulations Assessment has not been carried out.
- > 4. A Strategic Environmental Assessment has not been carried out.
- > 5. The ESPOO Convention requires transboundary consultation and that has not been done.
- > 6. The Aarhus principles of information provision & public participation in environmental decision making have not been adhered to. It is unacceptable for the Department to use a holiday period to slip through a proposal to grant these licences at a time when people are unlikely to notice.
- > 7. Gold & Diamonds are not necessary for health or life whereas clean water & fresh air are basic requirements which will be put at risk if these licences are granted.
- > 8. Due diligence has not been carried out on these mining companies, given all the scandals from similar companies throughout the world. Flintridge Resources Limited is currently going through Court for breaches of Health & Safety dating back to 2018.
- > 9. Derry City & Strabane District Council currently has a Judicial Review against prospecting Licences in their area. Surely it would be advisable to await the outcome of that case before risking / wasting public money because of further legal action.
- > 10. Flintridge Resources' prospecting licence expired on 18th July 2022 & according to the Crown Estate, the Option Lease Agreement is dependent on the MPL being in place. What enforcement action has been taken since 18th July to prevent unlawful work in the area?

- > 11. It is known from the experience of people in the Sperrins AONB that this type of extractive industry creates conflict in the community & violates people's human rights. DfE must address the human rights implications of these proposals including the cumulative impacts.
- > 12. The long outstanding issues of Permitted Development Rights have not been addressed or resolved and Prospecting Licences should not be issued in the interim.

> Yours sincerely

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DFE MPL Consultation dfe-mpla

From: [REDACTED]
Sent: 25 August 2022 22:46
To: DFE MPL Consultation dfe-mpla
Subject: Intention to grant a Mineral Prospecting Licence in Counties Tyrone and Fermanagh to Flintridge Resources Ltd

Follow Up Flag: Follow up
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Dear Sir/Madam

Re: Section 11 of the Mineral Development Act (Northern Ireland) 1969, the Department for the Economy consultation "on its intention to grant a Mineral Prospecting Licence" in Counties Tyrone and Fermanagh to Flintridge Resources Limited.

This consultation relates to the disposal of natural resources on a significant scale. Arguably this has the greatest potential of any consent or consultation process to result in community upheaval, environmental damage, and the potential of significant wealth extraction from Northern Ireland.

I would like to make the following representations:

A farrago of systematic failures:

- As a plan or programme these issues relate not just to culture, archaeology, and heritage but extend to the need to sustainably plan for resources in the future and the need to consider alternatives. You must withdraw these applications and suspend the process until such times as a legally constituted Strategic Environmental Assessment (SEA) is prepared.
- 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 if 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 I believe that you have no option but to prepare an SEA for the licensing regime;
- There has been a failure to address human rights implications in this process and conduct an Equality Assessment on the licensing regime;
- There is a lack of clarity in relation to the role of Crown Estate in regard to the Department for the Economy;
- There is a failure to assess the implications for sensitive and European habitats known as a Habitats Regulations Assessment and mandated by The Conservation (Natural Habitats, etc.) Regulations (Northern Ireland) 1995;
- There has been a failure to consult neighbouring authorities in Tyrone and Fermanagh under transboundary legislative requirements. Competent authorities such as Councils in the Republic of Ireland require to be consulted in a meaningful way under Environmental Impact Assessment (EIA) legislation, EU Habitats law, Water Framework Directive, ESPOO Convention etc;
- The Department failed to assess the implications of these licences for the existence of permitted development rights in relation to certain mining operations; and
- A mineral licence granted in 2019 (OM4, DG3 and DG4) is subject to legal challenge by Derry City and Strabane District Council. The processing of this application should therefore be postponed until this relevant judicial review is complete.

There is a failure to consult in a fair and transparent manner

- The limited advertising makes it difficult for the public to access the details to be able to make an informed choice;

- I believe that due diligence of Flintridge Resources Ltd should be conducted thoroughly by the Department and be in the public domain. A self-determination process by the company is neither adequate nor appropriate. The BBC Spotlight investigation into Dalradian demonstrates that many prospecting companies in extractive industries have been investigated for a variety of serious concerns;
- There is no attempt to explain the significance of the mineral licenses to the general public;
- There has been a Failure to address Aarhus principles of participation and information provision in environmental decision making; and
- I refer the Department to the critical analysis of the consultation process by the Consultation Institute <https://www.consultationinstitute.org/rather-strange-consultation-gold-t...>

A culture of pre-determination

- The presumption to grant the licences implies the public must establish reasons why it shouldn't be granted, which is a reversal of the precautionary principle;
- This consultation process is driven from 1969 legislation that is anachronistic and unfit for purpose in a society that is beginning to understand the human and ecological abuses associated with this type of extractive industry;
- I refer the Department to the principles of public consultation subscribed to by the Northern Ireland Civil Service, <https://www.nidirect.gov.uk/articles/public-consultations#toc-2>; and
- You will be aware that the most controversial development issues in recent years have been in relation to mineral/petroleum extraction in Northern Ireland. The extractive nature of the industry has also been responsible for significant community conflict (for example at Woodburn Forest, Cavancaw, Gortin, Ballinlea, Lough Neagh, and Belcoo) with many environmental and social implications that flowed from a flawed process.

I believe 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 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.

Yours sincerely

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