

CURRAGHINALT GOLD MINE – CONJOINED PUBLIC LOCAL INQUIRY

Ecology Conditions

Mine application LA10/2017/1249/F and powerline applications LA10/2019/1386/F and LA11/2019/1000/F

Without prejudice to the objector's position that permission should be refused

Patrick Haughey, third-party objector · 8 October 2026

ECOL-P1 – Winter prohibition on peatland disturbance: 1 October to 30 April

No peat stripping, peat excavation, peat removal, peat translocation, peat placement, peat stockpiling or peat reprofiling; no trenching or foundation excavation in peat; no formation of haul roads, platforms or sub-bases on peat; no drainage excavation or drain-blocking in peat; and no trafficking of construction plant over undisturbed peat shall take place between 1 October and 30 April inclusive in any year.

Such works shall take place only between 1 May and 30 September inclusive, and only in an area where the drainage, sediment interception, settlement and treatment measures for that area have first been installed, commissioned and confirmed in writing by the Ecological Clerk of Works to be operating.

No peat works shall begin in any year until a Peat Works Programme for that year has been submitted to and approved in writing by the Planning Authority following consultation with NIEA. The Programme shall state the volumes of peat to be excavated, moved, stored and placed in that year, and shall demonstrate that those works can be completed, and all disturbed peat stabilised, by 30 September of that year.

Works within the permitted period shall cease when the rainfall, ground-saturation or turbidity trigger levels in the approved CEMP are reached, and shall not resume until the Ecological Clerk of Works confirms in writing that those conditions no longer apply.

The only exception shall be emergency works strictly necessary to prevent an imminent risk to life, property or the environment. Such works shall be notified to the Planning Authority and NIEA within 24 hours, with a written report within 7 days. The dates in this condition shall not be varied by any agreement in writing.

Reason: *To prevent peat erosion, peat instability and the release of suspended solids to the Pollanroe Burn, the Curraghinalt Burn and the Owenkillew and Owenreagh Rivers during salmon spawning and egg incubation, and to protect peatland priority habitats.*

ECOL-P2 – Winter prohibition on in-stream and hydrologically connected works: 1 October to 30 April

No in-stream works, open-cut watercourse crossings, culvert construction or alteration, watercourse diversion, ditch excavation or blocking, construction or alteration of drainage outfalls, works within exposed peat drainage pathways, or other earthworks capable of causing sediment to enter a watercourse shall take place between 1 October and 30 April inclusive in any year. This condition applies to both the mine and the powerline.

Such works shall take place only between 1 May and 30 September inclusive, after the installation of all approved sediment and pollution-control measures, and shall cease during elevated flow or runoff conditions until the Ecological Clerk of Works confirms in writing that they may resume.

The only exception shall be emergency works as defined in Condition ECOL-P1. The dates in this condition shall not be varied by any agreement in writing.

Reason: *To protect spawning and incubating salmonids, the freshwater pearl mussel population that depends on them, and the Owenkillew River SAC and River Foyle and Tributaries SAC.*

ECOL-F1 – Current ecological baseline: hold point before each phase

No development activity within any phase, including vegetation clearance, peat stripping, ground preparation, intrusive ground investigation, demolition, tree works, drainage works or construction, shall commence until a Current Ecological Baseline for that phase has been submitted to and approved in writing by the Planning Authority following consultation with NIEA.

The Baseline shall include surveys of breeding and wintering birds, bats (including hibernation), badger, otter, common lizard, smooth newt, marsh fritillary and Irish hare, and any other protected or Northern Ireland Priority Species identified by NIEA. Each survey shall have been carried out within the 18 months before the phase begins, in the appropriate season, and in accordance with NIEA Specific Requirements and current published guidance.

All survey reports shall be submitted to the Planning Authority and NIEA in final and unredacted form, together with the field records, survey dates, times and weather conditions for every visit. Sensitive locations may be held in confidence, but shall not be withheld from the Planning Authority or NIEA.

Where a survey identifies a material change from the baseline assessed in the Environmental Statement, no works affecting that species or habitat shall commence until a revised assessment of significance, and any revised avoidance, mitigation or compensation, have been approved in writing by the Planning Authority following consultation with NIEA, and have been placed on the public planning register.

Reason: *To ensure that irreversible works proceed only on a current and complete ecological baseline, open to scrutiny.*

ECOL-S1 – Breeding birds

No vegetation clearance, peat stripping, topsoil stripping or other removal of bog, heath, grassland, scrub or hedgerow habitat shall take place between 1 March and 31 August inclusive.

The only exception shall be for isolated works to individual trees or short lengths of hedgerow, where a suitably qualified ornithologist has confirmed in writing to the ECoW, no more than 48 hours before the works, that no active nest is present. This exception shall not apply to the clearance of bog, heath or grassland habitat used by ground-nesting birds.

Where a nest of any species listed on Schedule 1 of the Wildlife (Northern Ireland) Order 1985, or of a Northern Ireland Priority Species, is identified, an exclusion zone set by the ECoW in consultation with NIEA shall be maintained until breeding has ceased.

Compensation habitat for the ground-nesting species recorded on the site, including meadow pipit and skylark, shall be provided in accordance with Condition ECOL-H1 before their breeding habitat is removed. Breeding bird surveys shall be carried out in each year of construction and every third year thereafter until completion of restoration, and the results submitted to the Planning Authority and NIEA. Where monitoring shows that the compensation habitat is not being used by ground-nesting species within three breeding seasons, additional or improved habitat shall be provided in accordance with Condition ECOL-H1.

Reason: *To protect wild birds, their nests and their breeding habitat.*

ECOL-S2 – Bats and Pollan Rua cottage

No demolition, exclusion or alteration of Pollan Rua cottage or its annexe, and no felling of any tree or works to any building with bat roost potential, shall take place until:

- (a) current bat surveys, including hibernation surveys, carried out in accordance with the Bat Conservation Trust Good Practice Guidelines (4th edition, 2023), have been approved in writing by the Planning Authority following consultation with NIEA;
- (b) an NIEA wildlife licence has been obtained;
- (c) a replacement bat house, designed for every roost type recorded, including brown long-eared and Natterer's maternity roosts, Leisler's roosts and common pipistrelle maternity and hibernation roosts, has been completed not less than 12 months before any exclusion or demolition, and monitored through at least one full active season, with the results submitted to the Planning Authority and NIEA before any exclusion or demolition.

No exclusion or demolition shall take place between 15 November and 31 March inclusive. Before demolition, vibration at the cottage shall be monitored during all blasting, and blasting shall be modified or suspended if trigger levels agreed with NIEA are exceeded.

Artificial lighting shall not exceed 1 lux at the bat house, bat boxes, the Pollanroe Burn corridor and retained or new hedgerows and woodland edges. The bat house and boxes shall be monitored in all seasons, including hibernation, for not less than 10 years after demolition. Where monitoring shows that the replacement roosts are not being used for the roost types lost, additional or modified roost provision approved by the Planning Authority following consultation with NIEA shall be installed within 12 months.

Reason: *To protect bats, which are European protected species, and their roosts, commuting routes and foraging habitat.*

ECOL-S3 – Badgers

No development activity within any phase shall commence until a badger survey, carried out within the 12 months before that phase on not fewer than two occasions in different seasons, covering the works area and land within 100 metres of all surface works, ventilation raises and the surface projection of underground blasting, has been submitted to the Planning Authority and NIEA, with sett locations provided in confidence and unredacted.

A 30 metre exclusion zone shall be maintained around every active sett, into which no plant, vehicles, materials, excavation, storage or lighting shall enter, except under NIEA licence. No blasting, whether surface or underground, shall take place within 100 metres of an active sett except under NIEA licence and with vibration monitoring at the sett.

No sett shall be closed until an artificial sett has been constructed to a design and at a location approved by NIEA. Closure shall take place only under licence between 1 July and 30 November inclusive, and only between 1 July and 30 September where the sett lies in peat or drains to a watercourse. If a previously unrecorded sett, or a change in sett status, is found, works within 100 metres shall stop until NIEA has advised. Setts shall be monitored annually for not less than 5 years. Where the artificial sett has not been used by badgers within two years of closure, further provision approved by the Planning Authority following consultation with NIEA shall be made within 12 months.

Reason: *To protect badgers and their setts, recognising that sett use on this site changes from year to year.*

ECOL-S4 – Common lizard and smooth newt

No clearance of habitat suitable for common lizard or smooth newt shall take place until a Reptile and Amphibian Mitigation Plan has been approved in writing by the Planning Authority following consultation with NIEA, and the necessary licences obtained. The Plan shall include:

- (a) a current survey of all suitable habitat within the works footprint, including areas visible from public roads, with refugia at not less than 10 per hectare and no removal of refugia during the survey period;
- (b) a baseline survey of the receptor areas and an assessment demonstrating that they can support both the translocated and the resident populations;
- (c) preparation of the receptor areas, hibernacula and replacement breeding ponds not less than one full growing season before any capture or loss of existing ponds;
- (d) capture only between 1 April and 30 September, followed by phased, ECoW-supervised clearance with hand-searching of refugia before plant enters;
- (e) measurable success criteria and monitoring of the receptor areas annually for not less than 10 years, with remedial measures if the populations decline.

Reason: *To protect common lizard and smooth newt, which are protected under Schedule 5 of the Wildlife (Northern Ireland) Order 1985, and to ensure that receptor habitat exists before occupied habitat is removed.*

ECOL-S5 – Marsh fritillary

No works shall take place within, or within 50 metres of, any area containing Devil's-bit Scabious until licensed larval web surveys, using systematic transects between late August and early October, have been carried out in each of the two years before those works and approved in writing by the Planning Authority following consultation with NIEA.

If any larval web or adult is recorded, the occupied habitat shall be retained and protected by an exclusion zone, and no works affecting it shall take place unless an NIEA licence has been obtained and compensation approved. On the powerline, the working corridor shall not exceed 10 metres at each location of Devil's-bit Scabious, and works within it shall be carried out on foot where practicable under ECoW supervision.

All retained Devil's-bit Scabious habitat, including Management Unit 7, shall be managed for marsh fritillary and monitored annually for the life of the development. Where monitoring shows a decline in the extent or condition of Devil's-bit Scabious, remedial management approved by the Planning Authority following consultation with NIEA shall be implemented within 12 months.

Reason: *To protect marsh fritillary, an Annex II species protected under Schedule 5 of the Wildlife (Northern Ireland) Order 1985, and the habitat network that supports it.*

ECOL-S6 – Irish hare

No vegetation clearance shall take place until an Irish Hare Survey and Mitigation Plan has been approved in writing by the Planning Authority following consultation with NIEA. It shall include a survey of the use of the site by Irish hare; an assessment of the effects of habitat loss and fragmentation; phased clearance, with checks for leverets by the ECoW immediately before clearance; timing of clearance agreed with NIEA to avoid the main breeding period; and the provision of compensatory habitat in accordance with Condition ECOL-H1.

Reason: *To protect Irish hare, a Northern Ireland Priority Species recorded throughout the infrastructure site.*

ECOL-S7 – Otter

No works within 150 metres of any watercourse shall take place until a pre-construction otter survey has been carried out by the ECoW and an Otter Protection Plan, including mammal protection measures, exclusion zones around any holt or resting place and the timing of works, has been approved in writing by the Planning Authority following consultation with NIEA. No holt or resting place shall be disturbed except under NIEA licence.

Reason: *To protect otter, a European protected species and a qualifying feature of the Owenkillew River SAC and River Foyle and Tributaries SAC.*

ECOL-S8 – Wildlife licences and unexpected finds

No works for which a wildlife licence is required shall commence until that licence has been granted and a copy lodged with the Planning Authority.

If any protected species, roost, sett, nest, holt, hibernaculum or larval web not previously recorded is found during the works, all works within 50 metres shall stop immediately and the Planning Authority and NIEA shall be notified within 24 hours. Works shall not resume until NIEA has advised and any necessary licence has been obtained.

Reason: *To ensure that protected species are not harmed by works carried out before the necessary licences are in place, or by works affecting species not previously recorded.*

ECOL-H1 – Compensation before loss, legal security and no double counting

No Northern Ireland Priority Habitat shall be removed until the compensation land for that loss has been: identified on an approved plan; legally secured by an agreement under section 76 of the Planning Act (Northern Ireland) 2011, binding all owners and occupiers, for the life of the development and not less than 30 years after completion of restoration; baseline surveyed; and its restoration or creation works commenced in accordance with approved prescriptions and measurable targets.

A single Habitat Compensation Ledger shall assign each mine loss to mine compensation and each powerline loss to powerline compensation. No area or habitat unit shall be counted as compensation for more than one loss, or for both carbon and biodiversity purposes, unless the Planning Authority has expressly determined, after consultation with NIEA, that it genuinely provides each claimed benefit. The 670 m² of powerline compensation shall be additional to the mine compensation.

Compensation land shall be monitored in years 1, 2, 3, 5, 10, 15, 20, 25 and 30. Where a monitoring report shows that a target has not been met, the remedial measures specified in the approved plan shall be implemented within 12 months. If a target remains unmet at the next monitoring year, additional compensation land shall be provided and secured in the same way.

Reason: *To ensure that compensation for priority habitat loss is secured, delivered before loss, genuinely additional, and enforceable over the long term.*

ECOL-E1 – Independent Ecological Clerk of Works, stop-work authority and public reporting

Before any development commences, an independent Ecological Clerk of Works (ECoW), who is not an employee of the applicant or its contractors and who has been approved in writing by the Planning Authority following consultation with NIEA, shall be appointed at the applicant's cost and retained for all ecologically sensitive works.

The ECoW shall have authority to stop works immediately where a protected species or previously unidentified ecological feature is encountered; an exclusion zone, method statement or seasonal window is breached; ground or weather conditions create an unacceptable peat or sediment risk; or pollution-control measures fail. Stopped works shall not resume until the cause has been recorded, corrective measures implemented and, where the matter could alter the assessed environmental effect, the Planning Authority or NIEA has authorised resumption.

The ECoW shall notify the Planning Authority and NIEA within 24 hours of any stop-work instruction, breach or pollution incident. A compliance and incident register shall be maintained, submitted monthly to the Planning Authority during construction, and placed on the public planning register. An independent ecological compliance audit shall be submitted to the Planning Authority each year and published.

Reason: *To make the ECoW an independent and accountable environmental control, and to make compliance visible to the regulator and the public.*

ECOL-G1 – Financial security for ecological obligations

No development shall commence until a financial guarantee, in a form approved in writing by the Planning Authority, has been provided to secure the full cost of implementing the habitat compensation, ecological monitoring and remedial measures required by these conditions for the period specified in Condition ECOL-H1. The amount shall be assessed by an independent ecologist and cost consultant, reviewed every three years, and index-linked. The Planning Authority shall be entitled to call on the guarantee if the obligations are not met.

Reason: *To ensure that ecological compensation and after-care are delivered even if the operator fails, ceases trading or abandons the site.*