

Ref 15/099762/1

My name is William Donnelly and I reside at [redacted] in close proximity to the Cavanacaw gold mine.

On **27 July 2015** the Department for the Environment for Northern Ireland granted planning permission for underground mining at the Cavanacaw site. I had submitted a number of objections during the processing of the application, highlighting what I saw as serious environmental concerns, involving breaches of the Habitats regulations, none of which were addressed to my satisfaction. I therefore decided to seek a judicial review of the planning decision.

Due to the prohibitive costs of engaging legal representation I decided to pursue the matter as a litigant in person and applied for and was granted cost protection under the Aarhus convention. I filed my application for leave for judicial review on 23 October 2015 and it was heard on 1 February 2016. On that occasion the hearing was adjourned until 4 March 2016 due to the late submission of documentation by the Department. On 4 March 2016 dates for the substantive hearing were agreed and the earliest date which suited all parties was the three days 27-29 September 2016.

I was required to attend court on 26 September 2016 for a pre-hearing review and on that day learned that a different judge would hear the case. This change meant that the new judge was unfamiliar with the case, had not had time to study the voluminous documentation which had been submitted and had prior commitments on the 3 days 27-29 September, which resulted in numerous interruptions to the proceedings. As a result the case could not be concluded and was adjourned, initially till the beginning of December 2016 but these dates were also cancelled and rescheduled for 3 days in February 2017, 12-14, when the case was finally concluded.

After February 2017 I heard nothing. I waited patiently 7 months before finally contacting the court on 20 September 2017 asking for a time frame for receipt of the judgement. They replied immediately and the judgement was delivered in court on 29 September 2017, almost 2 years after my application for leave. The judgement was that my judicial review application had been refused. I am now in the initial stages of the appeal process which may well extend into **2018**.

At the appeal hearing I will be afforded approximately 1 - 1 ½ hours to present my case, allowing time to appeal only two of the five grounds for which I feel there are strong grounds for appeal.

This process has already taken over 2 years and has cost me a very substantial amount of money, even as a litigant in person. Because of the delay, preparing my appeal has become a much more time consuming process as I have to once again familiarise myself with all the

documentation, (running to thousands of pages) which for a lay person with no legal training is no small task. To date I have spent 10 days in court and because of this and the complexity of the case, had I engaged legal representation, my own costs, I am reliably informed, could by now be as much as £100,000. This can only be considered prohibitive for a normal working person like myself.

William Donnelly

5 November 2017