



PLANNING PERMISSION

Planning (Northern Ireland) Order 1991

APPLICATION NO.:K/92/0713

Date of Application  
 :4th January 1993

Site of proposed Development :Land at Cavanacaw Upper, Botera Upper and Tattykeel Omagh.  
 Description of Proposal :Opencast pit for the extraction of gold and silver and associated minerals, with associated plant and storage  
 Applicant :Omagh Minerals Ltd  
 Agent :Omagh Minerals Ltd  
 :22 Tattyreagh Road, Omagh.

Drwg Ref.:K/92/0713/ 01 - 09

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 The Department of the Environment for Northern Ireland in pursuance of its powers under the above-mentioned Order hereby  
 GRANTS PLANNING PERMISSION  
 for the above-mentioned development in accordance with your application subject to compliance with the following conditions which are imposed for the reasons stated:

- 01 The development must be begun not later than the expiration of five years beginning with the date of this permission as required by Article 34 of the Planning (Northern Ireland) Order 1991.
- 02 Subject to the following conditions the development shall be carried out in accordance with the drawings and details bearing the Department's Drawing Number stamp with the references K/92/0713 01-09. The processing of the mineral extracted shall be as set out in the Environmental Statement (Section B5) received by the Department on 18 December 1992 and the additional information (Section 2) received by the Department on 18 May 1993.  
 Reason: To ensure the orderly and controlled development of the site.
- 03 The operator shall erect on the boundary of the site near the point of access, and maintain in good condition, a notice board showing the person responsible for environmental controls who will be available to deal with any complaints and the way that person can be contacted. The operator shall keep the Department informed in writing of the person or persons responsible for environmental controls within the operating company.



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03 Reason: In the interests of public information.

FLORA & FAUNA

04 No soil, overburden, ore or waste rock shall be excavated until the operator provides to the satisfaction of the Department:-

(i) a programme of sampling to be agreed in writing with the Department to establish the baseline for the presence of selected minerals and metals in soil, herbage, water, herds/flocks of food animals on specified farms,

(ii) the results of the baseline sampling programme,

(iii) a risk assessment of the likely impacts of mineral and heavy metal deposition from the mine development on animal health and the human food chain. The assessment shall include consideration of:

(a) the farms adjacent to the site, their herd/flock populations and the spatial distribution of their grazing lands,

(b) the range of minerals and heavy metals and their potential dispersal from the site,

(c) the consequent exposure of food animals and potential human food chain effects.

04 (iv) a programme of sampling of soils and herbage to determine variations in the concentrations of selected minerals and metals. The programme shall be agreed in writing with the Department and shall be implemented during the period of mining operations.

Reason: To ensure that the Department is aware of the existing environmental conditions and can identify changes taking place as a result of the development.

05 From the commencement of site works until the commencement of ore processing the developer shall implement a programme to monitor the dispersal of total particulates and heavy metals from the site and their deposition onto the surrounding agricultural land. No work shall commence on site until that programme and the analytical methods and accreditation of the laboratories to be used has been agreed in writing with the Department. The operator shall provide all resulting data and interpretations to the Department on request.

Reason: To ensure that the Department is aware of the existing environmental conditions and can identify changes taking place as a result of the development.

06 If sampling and monitoring programmes referred to in condition(s) 4 and 5 above indicate that heavy metals are dispersing off-site above limits acceptable to the Department, then safeguarding action, as agreed in writing with the Department, shall be implemented by the operator in accordance with a time scale specified by the Department. In the event that agreement is not reached then the operator shall implement



safeguarding action as required by the Department. APPLIC NO.K/92/0713

06 Reason: To prevent continuing contamination of surrounding farmland.

#### EXCAVATIONS

07 The trench shall be excavated in accordance with Drawings Nos 02 and 03 and the cross-sections in Drawing No. 04 and Figure B10 of the Environmental Statement. The trench shall not exceed a depth corresponding to a level of 125m above Mean Average Sea Level.  
Reason: To ensure the orderly and controlled development of the site.

The Fresh Water Storage Lagoon shown on Drawings Nos. 02, 03 and 04 shall not be used for the storage of any other material.

Reason: To ensure the orderly and controlled development of the site.

08 Mineral extraction shall take place only in the manner set out in Section B4 of the Environmental Statement, particularly in relation to the slopes in the glacial till, external rock and bench heights. The trench created by Phase 1 shall be progressively backfilled using material from Phase 2 in accordance with the plans submitted.

09 Reason: To ensure the orderly and controlled development of the site.

#### TAILINGS

10 The tailings dam shall be constructed generally in accordance with details shown in cross-sections depicted in Figure B8 of the Environmental Statement. The tailings basin and polishing pond shall be lined throughout with material of a maximum permeability of 10-9m/sec. The completed design for the dam structure and impoundment area shall be submitted to the Department for approval prior to construction.  
Reason: To ensure that the potential for groundwater contamination is minimised and the development of the retaining structure is safe and of satisfactory appearance.

11 Lining of the tailings area shall not be carried out with any material other than on-site till until the Department has been provided with information on the type of material to be used, the amount required, its permeability and its source, and has given its written approval.  
Reason: To ensure that the potential for groundwater contamination is minimised.

12 From the start of the deposition of tailings, weekly inspections of the dam shall be carried out by a properly qualified person and reports made available to the Department each month until such times as the Mines and Quarries (Tips and Tipping Plans) Regulations (Northern Ireland) are in force and alternative arrangements under those Regulations are in place.  
Reason: To ensure the continuing safety of the structure.



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13 All tailings shall be deposited under water and no beaches shall be allowed to form except with the prior written permission of the Department.

13 Reason: To prevent the escape of dust from the tailings area.

**LANDSCAPING**

14 No work shall commence on site before landscaping proposals for the Kerr Burn above and below the polishing pond have been submitted to and approved in writing by the Department. Initial landscaping as set out in Figure B9, and described in Section B3.4 of the Environmental Statement shall be carried out in the first available planting season after the granting of this permission. Any trees and shrubs which, within a period of 3 years from the commencement of the development, die, are removed or become seriously damaged or diseased, shall be replaced.

Reason: To ensure that there is a well laid-out scheme of healthy trees and shrubs.

15 All top-soil and peat removed shall be stored separately and retained within the boundary of the site for use during the restoration of the site.

15 Reason: To provide for the satisfactory restoration of the site.

**ROADS**

16 No building or engineering operations authorised by this permission shall be commenced until the entrance has been constructed, and the required sightlines have been provided, in accordance with Drawing No. 08.

Reason: In the interests of public safety.

17 Internal roads between the entrance and the processing plant and parking areas shall be hard-surfaced with concrete or bitumen to the satisfaction of the Department.

Reason: To limit the transmission of dust outside the site boundary.

18 No works shall be commenced on phase 2 of the development until the proposed access for phase 2 has been completed in accordance with drawings to be submitted to and approved by the Department. On completion of the Phase 2 access, the access to Phase 1 referred to in Condition 16 above shall be permanently closed.

Reason: In the interests of public safety.

19 The haul road from the trench to the processing plant shall be separated from the access road between the plant and the public road.



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19 Reason: To limit the transmission of dust outside the site boundary. APPLIC NO.K/92/0713

NOISE

20 Rock hammering shall not take place within the top 5m of the rock surface or within 15m of the existing ground level, whichever is the lesser.

Reason: In the interests of local amenity.

21 No construction of buildings or plant or excavation of the trench shall be carried out except between the hours;

08.00 - 19.00 Monday to Friday

08.00 - 13.00 Saturday

Reason: In the interests of local amenity.

22 Before the commencement of the development an acoustic monitoring station shall be set up at a position to be agreed with the Department.

preparation until refilling of the excavation is complete. Monitoring reports shall be made available to the Department on a monthly basis. Access to the monitoring site and records shall be made available to the Department on written request.

Reason: In the interests of local amenity.

23 At any occupied residential property the maximum limits of noise from the development measured in Leq (1hr) shall be:

Construction/rehabilitation phase ..... 65 dB(A)

Nighttime operation of the processing plant 19.00-07.00 .. 40 dB(A)

Daytime operations 07.00-19.00 ..... 48 dB(A)

The noise limits at the noise monitoring station shall be calculated to reflect the limits at the nearest occupied property and these levels agreed with the Department.

Reason: In the interests of local amenity.

24 No development shall take place on site until movable acoustic screening of a design to be submitted to and approved by the Department has been made available on site. The approved screening shall be retained on site until all excavation and earthworks have been completed.

Reason: In the interests of local amenity.

25 Prior to work commencing on phase 2, acoustic mounding shall be provided in the form of the till bund shown as "Kearney ph 1 till" on Drawings Nos 02 and 03 and on Drawing No 04, and acoustic fencing shall be installed in locations and to designs to be submitted to and approved by the Department.

Reason: In the interests of local amenity.

#### CULTURAL HERITAGE



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- 26 No stripping of soils or peat shall be carried out except under the surveillance of a qualified archaeologist. Any archaeological objects or remains discovered in the course of this surveillance shall be reported by the developer to the Department within one working day of the discovery. Stripping operations shall cease immediately on discovery of such objects or remains and shall not recommence until arrangements are in place which are satisfactory to the Department for the recording and removal of objects or remains.

Reason: To ensure that any archaeological remains exposed during development are properly identified and recorded.

- 27 Access shall be afforded at all reasonable times to any archaeologist nominated by the Department to observe the operations and surveillance referred to in Condition 26 above.

Reason: To monitor the surveillance, identification and recording of archaeological objects and remains.

DUST

- 28 Fixed water sprays on the haul roads shall be provided to the Department's satisfaction and at all times a water bowser and adequate supply of uncontaminated water shall be available for use on other hard-surfaced areas during dry periods. If insufficient water is available to satisfy this condition, all rock extraction and vehicle

movements shall be suspended.

Reason: To limit the transmission of dust outside the site boundary.

- 29 The stockpiles of rock and overburden shall be sown with a range of plants to be agreed with the Department during the first growing season after the establishment of the stockpiles.

Reason: To limit the transmission of dust outside the site boundary.

The ore stockpile shall be retained in a covered area. No ore shall be stockpiled on site until drawings of the building to be constructed to house the ore have been submitted to and approved by the Department.

Reason: To limit the transmission of dust outside the site boundary.

- 31 For the period after the closure of the processing plant until the development has been completed and the site restored, or in the event of work ceasing for a period of 18 months, monitoring for total particulate and heavy metals shall continue on a monthly basis at the dust monitoring stations established at sites shown on Drawing No. 09. Reports of the analytical results of this monitoring shall be forwarded to the Department quarterly.

- 31 Reason: To measure the transmission of dust outside the site boundary.

#### VIBRATION





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- 32 Each blasting charge shall be so balanced that a peak particle velocity of 6mm/second shall not be exceeded at any inhabited dwelling not belonging to the operator. At any other building or structure not belonging to the quarry this limit shall be 50mm/second.  
Reason: In the interests of public safety and amenity.
- 33 The air over-pressure produced by blasting at any inhabited dwelling not belonging to the operator shall not exceed 120dB(A).  
Reason: In the interests of public safety and amenity.
- 34 When requested the operator shall co-operate with the Department in monitoring Conditions 32 and 33 above.  
Reason: In the interests of public safety and amenity.
- 35 Only pattern blasting shall take place within 90m of any inhabited dwelling not in the ownership of the quarry.  
Reason: In the interests of public safety and amenity.
- 36 Shot-firing shall not be carried out except between the hours of 12.00 noon and 16.30 hrs Monday to Friday.
- 36 Reason: In the interests of public safety and amenity.

#### DURATION

- 37 The extraction and processing hereby permitted shall be discontinued within 8 years from the date when the plant becomes operational. The Department shall be informed in writing of the date on which the plant becomes operational within 30 days of that date.  
Reason: To establish the duration of the development.

#### RESTORATION

- 38 Trial planting of tailings shall take place within 2 years of commencement of rock extraction to establish the most suitable species of vegetation for the rehabilitation of the tailings surface. Reports of these trials shall be made to the Department on request.  
Reason: To ensure the satisfactory restoration of the tailings area using viable species of vegetation.
- 39 Within 5 years of the date of commencement of this development, or within 3 months of a written request from the Department, the operator shall provide for the agreement of the Department, a Closure Plan for the development; such a plan to be implemented within 6 months of cessation of ore processing and to include the following matters:-  
A. The removal of all plant, buildings, structures and equipment and the breaking up of foundations and haulage roads.



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- B. The refilling of the trench with waste rock to the level of the surrounding land and the disposal of surplus rock.
  - C. The regrading of all other areas to a natural contour.
  - D. The respreading of all stockpiled soils over the area.
  - E. The replanting of hedges and trees with species agreed by the Department. All other landscaping proposals for the site.
  - F. The rehabilitation of the tailings dam, including methods of preventing wind erosion during the drying out period, and its landscaping with suitable vegetation in the first available season after the closure of the plant.
  - G. An assessment of the potential for post-closure acid rock drainage from the site and control of such drainage if it exists.
- 39 H. The surface drainage of the site including the polishing pond.  
I. A timetable for the work to be carried out to implement the Closure Plan.

Reason: To ensure the satisfactory restoration of the site.

- 40 In the event of work ceasing for a period of 18 months prior to the exhaustion of approved reserves, Condition 39 shall come into effect. In the event that a Closure Plan is not agreed with the Department, the restoration details as set out in the Environmental Statement (Part D, Decommissioning and Restoration) shall come into effect. Sections D2, D3, and D4 and associated Figures D1, D2 and D3 shall form the restoration proposals and shall be carried out within 6 months of the date of a written request by the Department.

Reason: To ensure the satisfactory restoration of the site.

INFORMATIVE(S)

- 01 References to "the Environmental Statement" relate to the Environmental Statement dated December 1992 which was submitted with the application, received by the Department on 18 December 1992 and to the additional information received by the Department on 18 May 1993.
- 02 The applicant should note that the planning permission hereby granted cannot be altered except by way of a further planning application.
- 03 The Department's Radiochemical and Alkali Inspectorate will require the operator to carry out regular dust monitoring at 4 sites on the boundary to be agreed with the Department. The monitoring required will include associated soil and vegetation analysis and the results of the monthly sampling will be required to be made available to the Department. The Department will require access to the dust monitoring equipment at all reasonable times.
- 04 Veterinary sampling referred to in Condition 4(i) should preferably be carried out in the autumn.
- 05 An Environmental Management System and Environmental and Operational Manual should be produced prior to commencing operations in accordance with the Health and Safety at Work Order and subsequent regulations.



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- 06 The applicant's attention is drawn to the Wildlife (Northern Ireland) Order 1985 which indicates that it is an offence to kill, injure or take any wild animal included in Schedule 5 of this Order which includes the badger. It is also an offence to disturb these animals or obstruct access to their place of refuge, or damage or destroy anything which conceals or protects their place of refuge.
- 07 The applicant should note that the Department will expect the design and building of the tailings structure to be undertaken by a firm with experience in these structures.
- 08 In the event that permitted noise levels are exceeded the Department may require the cessation of the noise creating activities responsible for the excessive levels until it is satisfied that their resumption will not result in noise above the permitted levels.
- 09 In conditions 26 and 27 above archaeological surveillance and reporting are the responsibility of the developer. The responsible authority within the Department is the Environment Service, Historic Monuments and Buildings Branch, 5-33 Hill Street, Belfast. BT1 2LR.
- 10 The request from the Department for the Closure Plan referred to in Condition 39 of this permission will be made if the timetable of extraction were to alter so as to change the proposed 8 year lifespan of the mine.
- 11 The conditions of any consent given under other legislation such as the Water Act, the Alkali and Works Regulation Act, the Health and Safety at Work Order and Building Regulations must be complied with in addition to the conditions imposed under the Planning Order.
- 12 The Department has noted the undertaking by the operator to comply with B.S.7750.
- 13 This permission does not confer title. It is the developer's responsibility to ensure proper legal title to the lands forming part of this application.
- 14 When making this decision the Department has taken into consideration environmental information within the terms of the Planning (Assessment of Environmental Effects) Regulations (Northern Ireland) 1989 (as amended).

Date 23rd May 1995

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