

# TBR9 – Surface Water

## Curraghinalt, Gortin

December 2025

### Response to Transboundary Consultation Representations – [REDACTED] (Kaya Consulting)

Representation Ref	Comment/Issue	New (New? (Yes /No)	Where addressed in applicant's submissions to date?	Additional Information with Transboundary Response
TBA1493 - An Taisce	This discharge would continue in perpetuity: in Dalradian's Statement of Case for the Public Inquiry they submitted new information, not consulted on, stating that in the immediate seven years post mine closure, there would be a discharge of 4,400 gallons per day from the mine site into the Owenkillev River SAC & ASSI, which would then increase to 176,000 gallons per day permanently. This is due to the fact that the mine would be at least 900 metres deep - 500 metres below the water table, which sits at approximately 400 metres deep.	No	Water discharging from the adit at closure will be from groundwater as the local groundwater table will intersect with the adit. Flow rates at closure are documented in SWIA Section 10 and particularly in Tables 10-1 to 10-6 and Figure 10-1. Water quality predictions (see ES Surface Water Impact Assessment, Section 10.3) does not predict acid mine drainage. Calculations of the impact on the Owenreagh River and Owenkillev River are provided in the SWIA and these show no significant effects on these rivers.	Discharge from adit at closure was covered in the SWIA, as noted in previous column.

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pg 7	Despite the risks outlined above, only a very limited number of watercourses are included in the surface water impact assessment in Chapter 8 of the ES in Table 8-8 and are shown in Figure 8-11. The only surface water catchments which appear to be considered are the Owenreagh catchment and the Owenkillew catchment. No consideration appears to have been given to watercourses any further downstream, with no clear apparent rationale for why this is the case:	No	<p>The ES SWIA, Section 4.3 describes the setting of the mine site within the wider Foyle catchment, with Table 4-2 highlighting the scale of the development within the wider catchment.</p> <p>Section 6 of the ES SWIA outlined the scoping of project impacts and Section 7 of the SWIA outlined the study area considered in the assessment.</p> <p>Given the negligible impact predicted at the confluence of the Owenreagh and Owenkillew Rivers, impacts further downstream were considered to be negligible and there was no requirement to extend the study area.</p>	
pg 7	It is unclear to us what 'assessment' the applicant is relying on to conclude that there will be no impact on surface water quality beyond this point, or indeed what metric is being considered. It should be noted that ecological impacts often occur at far lower levels than what would be deemed acceptable for drinking water standards. The assessment which should be carried out to determine no impact is an assessment which is adequate for the purposes of Article 4 of the Water Framework Directive, particularly, from our perspective, in regard to			Addressed in TBR6 A discussion of water quality standards is also provided in Annex 13 of the SHRA annexed to TBR6

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	transboundary impacts on ROI waterbodies, namely the River Finn and Foyle, Lough Foyle as well as estuarine and coastal water impacts.			
pg 7	We would highlight again, drinking water standards are often not appropriate as indicators of ecological health, for example drinking water limits for nitrate are 50mg/l, but for estuarine water quality they are far lower, at 11.5mg/l. The same discrepancy would exist across multiple chemicals. T	No	<p>The standards used in the calculation of discharge consent values were summarised in the discharge consent application documents and also within DGL's Statement of Case Technical Report for Discharge Consents (Annex 1).</p> <p>For nitrate the Drinking Water Standard considered was 11.3mg/L as N. Also considered were the CCME EQS average value of 3 mg/L N and maximum 124 mg/L N. The document also discussed JNCC values for nitrate. The proposed discharge consent values for nitrate are an average of 0.42mg/L N for Pollanroe Burn and 0.2mg/L N for Curraghinalt and maximum value of 11.3mg/L N.</p> <p>As a result, the assessment does not rely on Drinking Water standards when setting nitrate discharge consent values and the proposed average consent value is well below the Drinking Water standard</p>	A discussion of water quality standards is also provided in Annex 13 of the sHRA annexed to TBR6

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pg 10	<p>Section 8.3.7 of the EA concludes the following in regard to the potential impact on WFD status: Page 10 of 27 “In terms of the WFD objectives, the project will not result in a change in status for the water bodies present in the study area or compromise the attainment of WFD objectives as defined in the North Western River Basin management plan and associated LMA action plans. More specifically, design measures and additional mitigation measures will prevent the introduction of impediments to attaining, or maintaining, Good WFD status for the water bodies.” We would note there is no consideration of other waterbodies outside of the study area, or other river basin management districts, including those within the ROI jurisdiction. Furthermore, there is a notable paucity of evidence to underpin this statement, given there is no apparent Article 4 WFD assessment capable of allowing a decision maker to conclude with the necessary certainty that there will be no impact on WFD objectives, as elucidated in the Weser judgement. It is our interpretation of the law and jurisprudence that the decision maker has to be able to rule out a breach of Article 4 of the WFD to the same standard as the Habitats Directive does, analogous to an Article 6(3) assessment. This has clearly not been done in this case, and we are of</p>			<p>Addressed in TBR6</p> <p>A discussion of water quality standards is also provided in Annex 13 of the sHRA annexed to TBR6</p>

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	<p>the view that the application documentation has failed to adequately assess the development from an Article 4 WFD perspective, and as such, the relevant authority cannot discharge their obligation as provided by Article 4(1) of the WFD</p>			
<p>pg 19</p>	<p>Given the transboundary nature of this consultation, we would highlight that such a frequently high volume of mining discharge into surrounding aquatic waterbodies would be likely to increase flooding and pollution risk for the River Finn SAC and associated catchment water bodies which flow into Donegal. This would be undesirable for the human and non-human populations alike. For example, the OPW's flood risk mapping tool shows that the Strabane and Lifford area is susceptible to low, medium and high probability flooding events. Crucially, the OPW modelling to inform these flooding risk projections does not take climate change into account, which exacerbates these risks due to projected increases in rainfall intensity<sup>14</sup>. Consequently, the addition of high volumes of water discharge arising from the proposal would contribute to worsening the risk associated with flooding and pollution, which requires close consideration by the Department.</p>	<p>No</p>	<p>Due the storage and treatment of mine water within water management ponds, discharges from the mine will be controlled. Flows during flood conditions will be reduced as outlined in detail in the ES SWIA (Section 9.2 and in particular Table 9-17) and project Flood Risk Assessment. DfI Rivers have reviewed the Flood Risk Assessment and had no objection to the development with respect to flood risk.</p> <p>The impact of the mine on water quality downstream of the mine has been discussed in detail in the SWIA, Discharge Consent Applications and DGL's Statement of Case Technical Report for Discharge Consents (Annex 1). Discharges will pass through a Reverse Osmosis water treatment plant and be controlled by a discharge consent.</p>	

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	<p>The application documentation has failed to adequately assess the development from an Article 4 WFD perspective, and as such, the relevant authority cannot discharge their obligation as provided by Article 4(1) of the WFD.</p>			<p>Addressed in TBR6</p>
<p>TBA0001; 0002; 0003; 0004; 0011; 0013; 0018; 0027; 0028; 0029; 0032; 0035; 0038; 0043; 0045; 0051; 0054; 0058; 0066; 0070; 0073; 0075; 0078; 0080; 0083; 0101; 0106; 0107; 0108; 0119; 0120; 0140; 0142; 0148; 0152; 0154; 0158; 0165; 0184; 0199; 0201; 0206; 0210; 0217; 0223; 0231; 0236; 0239; 0240; 0242; 0248; 0254; 0255; 0257; 0262; 0272; 0276; 0279; 0281; 0289; 0290; 0300; 0304; 0306; 0312; 0326; 0330; 0346; 0351; 0354; 0361; 0364;</p>	<p>Contaminated water flowing from the mine, whether generated intentionally through the discharges or by the probable failure of “the Dry Stack Facility”, would flow into the Owenkillew River, which joins the Strule &amp; Derg Rivers at Newtownstewart to become the Mourne River, which the River Finn from Donegal joins at Lifford/Strabane - which is also where the jurisdiction of NI meets ROI. The Finn and the Mourne rivers join to become the River Foyle, which flows into Lough Foyle and on into the Irish Sea. From Lifford to the sea is tidal waters, and so this also puts the River Finn at risk of contamination due to back flow.</p>	<p>No</p>	<p>The impact of the mine on water quality downstream of the mine has been discussed in detail in the SWIA, Discharge Consent Applications and DGL’s Statement of Case Technical Report for Discharge Consents (Annex 1). Discharges will pass through a Reverse Osmosis water treatment plant and be controlled by a discharge consent.</p> <p>Issues related to stability of Dry Stack Facility are considered in TBR 22.</p>	

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0366; 0374; 0379; 0383; 0387; 0389; 0391; 0307; 0313; 0327; 0332; 0343; 0347; 0349; 0357; 0368; 0381; 0392; 0397; 0323; 0405; 0414; 0420; 0435; 0440; 0441; 0445; 0451; 0452; 0457; 0460; 0474; 0478; 0482; 0487; 0490; 0493; 0498; 0469; 0502; 0510; 0515; 0519; 0522; 0525; 0529; 0533; 0539; 0541; 0549; 0553; 0554; 0555; 0559; 0561; 0571; 0572; 0573; 0575; 0579; 0583; 0587; 0597; 0598; 0608; 0613; 0616; 0623; 0626; 0636; 0641; 0648; 0652; 0657; 0663; 0667; 0672; 0677; 0682; 0688; 0696; 0700; 0703; 0707; 0711; 0713; 0716;				

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0722; 0724; 0744; 0747; 0755; 0759; 0760; 0761; 0763; 0767; 0772; 0779; 0786; 0792; 0802; 0806; 0814; 0815; 0818; 0821; 0824; 0848; 0849; 0851; 0853; 0854; 0855; 0859; 0870; 0871; 0876; 0878; 0882; 0886; 0889; 0892; 0895; 0899; 0904; 0912; 0916; 0918; 0923; 0936; 0949; 0951; 0955; 0959; 0962; 0971; 0977; 0980; 0988; 0989; 0992; 0998; 1003; 1011; 1014; 1022; 1024; 1029; 1030; 1032; 1033; 1043; 1047; 1048; 1055; 1062; 1071; 1074; 1076; 1078; 1083; 1088; 1095; 1097; 1102; 1108; 1111; 1113; 1116; 1125; 1127; 1131; 1134;				

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1137; 1139; 1146; 1150; 1156; 1159; 1162; 1166; 1174; 1186; 1190; 1196; 1200; 1201; 1208; 1209; 1223; 1231; 1241; 1244; 1250; 1251; 1257; 1260; 1265; 1268; 1274; 1275; 1282; 1286; 1288; 1290; 1294; 1296; 1299; 1301; 1303; 1309; 1311; 1313; 1319; 1323; 1333; 1336; 1339; 1346; 1355; 1357; 1360; 1370; 1377; 1379; 1385; 1387; 1389; 1395; 1398; 1399; 1402; 1408; 1414; 1422; 1423; 1424; 1427; 1428; 1433; 1439; 1453; 1458; 1471; 1476; 1479; 1484; 1486; 1489; 1504; 1506; 1513; 1521; 1522; 1523; 1524; 1542; 1543; 1545; 1547;				

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1549; 1550; 1552; 1553; 1555; 1562; 1567; 1568; 1572; 1578; 1579; 1580; 1582; 1586; 1588; 1593; 1594; 1596; & 1604				
Response from Donegal County Council TB Consultation 9.5.25 - Loughs Agency – pg 50 para 5.1	Loughs Agency have reviewed RR 6 Surface Water and welcome concessions made by the applicant to meet discharge standards which would have a negligible impact on salmonids. There are however still a number of outstanding parameters which when viewed cumulatively, pose a risk of negative impacts on aquatic species, for example the applicant has classified watercourses into which discharges will be made as rivers instead of headwaters, which gives them an incorrect, higher discharge threshold. 21 of the 31 parameters are outside relevant thresholds and standards, including suspended solids, nitrates and phosphorous. Loughs Agency supports NIEA's position in relation to impacts from the proposed discharge parameters.		This is addressed in detail in Annex 13 of the sHRA submitted as part of Bennu Environmental's Transboundary Response	
pg 65-66 para 10.11	The mine site will be a highly industrialised site with significant anthropogenic factors impacting the environment. Risks from the construction and operation phases are significantly higher from the mine than the current existing	No	Management of suspended solids during excavation of peat to be addressed through Construction Environment Management Plan and regulated discharge consents.	

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	<p>agricultural use. Further to this, the level of disruption to the environment that the mine site requires, and the disturbance of significant amounts of blanket bog, will cause more harm in terms of hydrology and carbon footprint than the betterment plan can accommodate for. The mine site will be considerably more invasive than agricultural practices in the area. Disturbance of the blanket bog at the scale proposed poses risk to the structure of the bog which cannot be rectified if damaged. Risks from blanket bog disturbance include;</p> <ul style="list-style-type: none"> <li>• Water contamination – excavation of peat mass can lead to the release of suspended solids and OM into watercourses resulting in pollution and damage to salmonid breeding habitat.</li> <li>• Surface run-off – possible hydrological pathway for transporting peat particles and other contaminants into riverine system resulting in sedimentation and water quality degradation.</li> <li>• Peat mass instability – potential for slides and / or bog bursts depending on hydrology, slope etc.</li> <li>• Leaching – mobilization of organic compounds and mineral acids.</li> </ul>		Comments on peat mass instability and leaching is covered elsewhere	
pg 67 para 10.15	The groundwater impact assessment (Groundwater Impact Assessment Report (2020), Appendix C6 to the Second Addendum to the Environmental Statement) supplied by the	No	The impact of the mine on Unnamed Watercourse was considered within the groundwater modelling as noted in RR10	

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	<p>applicant acknowledges a reduction in groundwater contribution to surface watercourses but does not directly address the potential impacts of this on the Unnamed Watercourse. The SWIA notes a diversion of 0.07 km<sup>2</sup> of the natural catchment to the Pollanroe Burn, reducing the Unnamed Watercourse's catchment area by 5%, and increasing the Pollanroe Burn's catchment by 6%. However, the combined effects of reduced groundwater baseflow and surface water flow on the Unnamed Watercourse are not adequately addressed.</p>		<p>page 18, pases 6.10 and 6.11, in response to a similar point.</p> <p>There is no impact on Unnamed Watercourse predicted through groundwater modelling.</p>	
pg 70-71 para 10.24	<p>The applicant states that the mine's water management will lower flood flows in the Pollanroe Burn (point 8 executive summary RR9) and that erosion concerns are overstated; The applicant is wrong. Firstly, the statement overlooks the cumulative impacts of increased low and average flows over time on channel geomorphology. While it is accurate to say that erosion typically occurs during high-flow events, even small but sustained increases in low and average flows will alter sediment transport dynamics and the stability of bed material. For example, subtle changes in flow velocity and wetted perimeter will incrementally shift fine sediments and affect the structure and</p>	Yes		<p>Annex 4 to the sHRA annexed to TBR6 provides more information on the nature of the small burns close to the mine site. It also provides responses to Loughs Agency which relate to similar comments, i.e., the impact of changes on low and average flows on sediment movement and channel geomorphology.</p> <p>Photos of burns near the mine (including Pollanroe Burn) in Annex 11 of the sHRA show the bed material in the channels are coarse grained which would require substantial flow velocities to move. Fine sediment is not found in the channels and does not play a significant role in the</p>

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	<p>composition of the channel bed and banks. Alteration of the channel bed and banks will impact Atlantic salmon habitat. Reducing the available salmon habitat will result in a failure to achieve the Conservation Objectives of the Owenkillew River and tributaries SAC.</p>			<p>geomorphology of these channels. Fine sediment is also not beneficial to spawning areas, which are generally composed of gravels. It is clear from the velocity predictions for low and average flows in Figures 3-7 and 3-8 of Annex 11 that the velocities are well below the rates required to move sediment in the Pollanroe Burn. Therefore, the small increases in flow in the Pollanroe Burn during low and average flows would not be able to impact on sediment movement (erosion and deposition) or the geomorphology of the Pollanroe Burn channel.</p> <p>Photos of the burns provided in the Annex also show impacts of farming on the banks of the burns, e.g., ford crossings, culverts and areas of erosion due to animals crossing the burn or drinking water. These impacts would cause much more significant impacts on channel morphology than any changes caused by the mine discharge.</p>
pg 73 para 10.29	The conclusions of the SWIA in relation to changes in flow conditions in the Pollanroe Burn cannot be independent of fish presence.	No	The results of the SWIA were considered within the relevant chapters of the Environmental Statement related to fish and ecology. It is noted that at the time of the SWIA no fish presence in the Pollanroe and	Impacts on flow are addressed in Annex 11 of the sHRA annexed to TBR6. An overview impacts on fish and habitat is provided in

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			<p>Curraghinalt Burns was noted. The impact of flow changes and water quality on fish has subsequently been addressed. Proposed discharge consent limits have been adjusted (see DGL's Statement of Case Technical Report for Discharge Consents (Annex 1)) to be protective of fish in the burns. Further updates are described in the adjacent column</p>	<p>relevant Annexes on fish and habitat in the updated sHRA</p>
<p>pg 76-77 para 10.38</p>	<p>Section 1.8.4.2 attempts to compare the use of Sustainable Urban Drainage on the proposed gold mine development to a housing development. The difference in the types of development are extensive and Loughs Agency are unaware of any housing development proposing to alter the headwaters of two watercourses with SAC site selection feature Atlantic salmon present being granted planning permission. In doing so would be a dereliction of duty to uphold various pieces of legislation including the Habitats Directive, by Planning Authorities and Statutory Consultees.</p>	<p>Yes</p>		<p>The point that was being made related to SuDS was that the water management ponds within the proposed infrastructure area would act like SuDS in terms of attenuation and the release of treated water at a controlled flow rate. At the mine most of the water being managed in these ponds is rainwater similar to SuDS for a housing development. It is clear there are differences between a mine and housing development, but the aim was to highlight that the management of water at the mine was not dissimilar to a large SuDS scheme, but with the mine having an enhanced treatment system.</p>

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TBA1603 CFR – Pg.	The North Western International River Basin District (IRBD) has identified the River Foyle as already under pressure from diffuse pollution. The addition of mining contaminants risks irreversible damage.	Yes		No assessment is provided to show that the 'addition of mining contaminants risks irreversible damage'. If the River Foyle is under pressure from diffuse pollution these sources should be the focus of attention.
TBA1501 Friend of the Earth (Jo) - Pg.2	There are unassessed cross border climate impacts on water abstraction, impoundments, drainage and peatlands.	Yes	The choice of study area was assessed in the SWIA and no significant impacts were predicted downstream of the Owenreagh/Owenkillew River confluence	Further information on the impact on flows in River Foyle is provided in Annex 13 of the sHRA annexed to TBR6
Pg. 3	No assessment provided to the public as required by the ESPO convention on water impoundment, abstraction, discharges, acid rock drainage etc.	No	The legal point related to ESPO has been considered in separate legal submissions; all relevant surface water impacts have been assessed as required by the EIA Regulations.	
TBA0506 Wild Ireland Defence Pg. 2	The second water abstraction application is to abstract 1.7 million litres of wastewater daily from the proposed mine and discharge it following 'treatment' to the Owenreagh Rier via Pollenroe Burn. This would pose huge risk to water flowing to the Foyle River basin.	No	The management of water within the mine is outlined in detail in the SWIA and Water Balance Report. The impacts of the mine on flows and water quality in the watercourses downstream of the mine are considered in detail in the SWIA and discharge consent applications.  Discharges from the mine will pass through a Reverse Osmosis water treatment plant and be controlled by a discharge consent.	

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TBA0741 - pg 1	The proposed development raised serious concerns about the impact on water systems across Tyrone, Derry, Donegal and Monaghan. There is significant risk of pollution from toxic tailings, acid mine drainage and the discharge of 24 heavy metals and treated sewage into the headwaters of the River Foyle.	No	The management of water within the mine is outlined in detail in the SWIA and Water Balance Report. The impacts of the mine on flows and water quality in the watercourses downstream of the mine are considered in detail in the SWIA and discharge consent applications.  Discharges from the mine will pass through a Reverse Osmosis water treatment plant and be controlled by a discharge consent.	
TBA0872 - pg 1	Numerous studies have been conducted to assess the levels of heavy metals in surface and groundwater sources in the vicinity of a gold mine in Iran....The findings of these studies revealed that in most cases, heavy metal concentration exceeded the recommended standards for drinking water quality,	Yes		Discharges adjacent to mines depends on the nature of the local geology and the mining operation. No conclusions can be drawn about the Curraghinalt Mine from the impacts of a mine in Iran
TBA0945 - pg 1 -2	There are multiple pathways by which the proposed goldmine would pose serious risks to the waters of County Donegal, including Potential failure of the DSF; Acid Mine Drainage; Discharge of contaminated water; Large-scale Water Abstraction; Inadequate Closure Plan	No	Risks associated with these issues are addressed in detail in the Environmental Statement and associated documents	

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TBA1206 - pg 1	The two discharge applications are to discharge 'treated wastewater' containing 24 metals, acids, flocculants etc into two rivers, Owenkillew and Owenreagh, headwaters of the River Folye which the River Finn from Donegal joins at Lifford/Strabane.	No	The management of water within the mine is outlined in detail in the SWIA and Water Balance Report. The impacts of the mine on flows and water quality in the watercourses downstream of the mine are considered in detail in the SWIA and discharge consent applications.	Discharges from the mine will pass through a Reverse Osmosis water treatment plant and be controlled by a discharge consent.
pg 2	In Dalradian's SoC they state that for the 7 years post closure, there would be a discharge of 4,400 gallons per day from their adit into the Owenkillew Rivers, via the Curraghinalt Burn. After 7 years this would increase to 176,000 gallons per days forever! This is hugely worrying as this would most likely be acid mine drainage, which would join the contaminated waste flowing from the DSF and both would pervade the entire Foyle River Statement, putting aquatic life in grave danger.	No	Water discharging from the adit at closure will be from groundwater as the local groundwater table will intersect with the adit. Flow rates at closure are documented in ES SWIA Section 10 and particularly in Tables 10-1 to 10-6 and Figure 10-1. Water quality predictions (see Surface Water Impact Assessment, Section 10.3) does not predict acid mine drainage. Calculations of the impact on the Owenreagh River and Owenkillew River are provided in the SWIA and these show no significant effects on these rivers.	
TBA1494 - pg 5 -9	There are a number of ways in which the waters of County Donegal would be affected by the proposals. These are: failure of the DSF, acid	No	Risks associated with these issues are addressed in detail in the Environmental Statement and associated documents	

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	mine drainage, water discharges and water abstraction			
TBA1558 - Communities Against Mining - pg 2	Inadequate drainage infrastructure and lack of contingency planning for DSF	No	SLR Technical Memorandum (RR9, appendix 2) provides details of the drainage infrastructure serving the mine and explains how the ponds attenuate flows up to 0.1% + CC to the capacity of RO Plant.  Representations related to the Dry Stack Facility and stability are addressed in TR22, RR 22 and TBS22 on Mine Waste.	
	underreported water consumption figures see appended Emerman Report	No	This was addressed in RR9. Appendix 1 specifically covers this point and rebuts the point raised by Emerman.	
pg 2	Failure to meet international and UK safety requirements for flood events (see appended Emerman Report)	No	SLR Technical Memorandum (RR9, appendix 2) provides details of the drainage infrastructure serving the mine and discusses the return period used for engineering design.	
TBA1603 - Environmental Justice Network Ireland – Pg 6	Compliance with environmental conditions has already been an issue in the drilling and exploration phase, where Dalradian Gold were found on several occasions to be in breach of consent conditions from the Water Unit (NIEA) for exceeding permitted toxicity levels for zinc.	Yes		Since DGL was issued with a discharge consent (No. 068/12/2) ongoing sampling and testing has been undertaken by an independent laboratory. That testing shows that data for all discharge parameters have been compliant.

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				<p>In response to the allegations regarding a breach in zinc levels, there was no breach. In addition to the ongoing testing and sampling by DGL, NIEA Water Management Unit has also undertaken their own compliance monitoring, taking samples for testing. It is our understanding that in 2017 NIEA suggested that their dataset showed historic exceedance of zinc concentrations, however at a meeting of the Committee for Agriculture on 27 January 2022, Neil McAllister from NIEA Water Management Unit set out that there had been a change in legislation on how zinc levels were assessed during that period. This meant that the data collected by WMU had to be remodelled under the new legislation and the results of that remodelling showed that the zinc levels were in compliance with the legislation.</p>