

Transboundary Party Statement of case for the Curraghinalt Mine Project (LA10/2017/1249/F)

1. Introduction

- 1.1. This is the statement of case of Fermanagh and Omagh District Council, filed following the transboundary consultation in connection with application LA10/2017/1249/F. The Council is the local planning authority for the area and is a statutory consultee (article 113 and schedule 3 of the Planning (General Development Procedure) Order (Northern Ireland) 2015).
- 1.2. The Council opposes the application and invites the Planning Appeals Commission to recommend to the Department for Infrastructure that the application be refused. The Council considers that the application does not accord with the local development plan and that material considerations do not indicate that a decision should be taken contrary to the local development plan (section 6(4) Planning Act (Northern Ireland) 2011).
- 1.3. At the outset, two caveats must be made about the contents of this statement.
 - 1.3.1. The Council does not consider that it is procedurally fair for existing inquiry participants to be denied an opportunity to respond to the transboundary evidence, including any further written submissions, in writing before the reopening of the inquiry sessions. As a result, the Council reserves the right to add to or amend its case at the hearing sessions in response to points made by other parties.
 - 1.3.2. The Council reiterate its concerns with the adequacy of the environmental information provided and trust that the detailed submissions made in this respect will be considered in due course. Experts instructed by the Council clearly identified a number of instances where the information provided was deficient. This is clearly set out in our statement of case and rebuttal evidence.

2. Summary of concerns

- 2.1. The Council continues to be supported in its role as a statutory consultee by a team of expert consultants who have provided expert input to the Council's Statement of Case (SOC) and Rebuttal Statement (RS). The Council has set out in some detail its substantive concerns in relation to the Dalradian Gold Limited, Mine project, within its SOC and RS. The Council will not repeat its substantive concerns again as part of this submission and would invite DfI and the Planning Appeals Commission to read all these documents in full.
- 2.2. The Council has consistently raised concerns in relation to transboundary matters. It is unnecessary for the Council to summarise its concerns again. DfI and the PAC is already in receipt of its concerns, which include transboundary

concerns. These concerns should be taken into account during the reconvened inquiry and during the determination of the applications made by DGL.

- 2.3. This statement draws out some of the key issues raised in relevant transboundary consultations.

Transboundary submission by Donegal County Council (DCC)

- 2.4. DCC explain that *“the primary Transboundary risks are the hydrological links between the mining operational site and the River Finn SAC and the potential risks to water quality and aquatic ecology including water dependent qualifying interests within the Natura 2000 sites such as the Atlantic Salmon, and in general the biodiversity conservation of the Natura 2000 site”*.
- 2.5. They also question *“...the conclusions of the sHRA that the Pollanroe Burn and Owenreagh River are of lesser or negligible importance as a result of their distance from the Owenkillew River SAC...”* based on the electrofishing surveys conducted by Loughs Agency in 2021, which demonstrated the presence of Atlantic Salmon in the Curraghinalt & Pollanroe Burns as well as the Owenreagh River. DCC also request that *“...the Commissioner relies on the precautionary approach in assessing potential environmental/ecological impacts of proposed developments”*. The Council shares these views and concerns.
- 2.6. DCC note the concerns raised in An Taisce’s submission and request that these are fully assessed, *“...specifically those issues raised in relation to the long-term management of “dry stack tailings” associated with mined crushed rock, given potential climate change impacts including the possible increase in annual rainfall and the potential risk of “catastrophic failure” of the filtered tailings stack referenced in the submission”*. DCC note its own experience *“...of a catastrophic peat slippage event associated with a windfarm development at Meenbog in south Donegal which had significant environmental transboundary impacts and in this regard the planning authority asks the Commissioner to fully assess appropriate peat management, “dry stack tailings” management planning, and any associated lagoons or dams associated with the development proposals...”*
- 2.7. The Council is of the view that the concerns raised by DCC, should be given significant weight in the determination of this application, in their role as an expert statutory consultee.

Transboundary submission by Loughs Agency

- 2.8. The Council notes the comments of Loughs Agency, in particular paragraph 3.1 of their submission which states that *“Loughs Agency continue to hold significant concerns in relation to the gold mine application. Loughs Agency’s position has not changed and recommend that planning permission is refused on the basis of impacts on Atlantic salmon. The proposals are fundamentally*



flawed for the five reasons set out in the Loughs Agency Statement of Case (“LA SoC”). The applicant’s evidence base is not robust, in respect of both data and surveys, and there has been a failure properly to consider impacts on Atlantic salmon. Planning permission could not lawfully be granted as matters stand. Atlantic salmon in the watercourses directly affected by the proposed development will be severely affected by the development taken as a whole (LA SoC p72)”.

- 2.9. The Council is of the view that the concerns raised by Loughs Agency, should be given significant weight in the determination of this application, given their specific expertise in relation to these matters.

Transboundary submission by Cleaver Fulton Rankin (TBA1603)

- 2.10. As part of its submission, an article titled “Transboundary Environment Justice: Gold Mining in the Sperrin Mountains” was enclosed. Within this submission there is a representation from another 3rd party which states the following.

Failings relating to Exploratory Mine and Compound

4. Systemic Failure in Regulatory Oversight by DfI and FODC

The failure of both DfI, FODC and the PAC to enforce planning conditions and assess the environmental impacts of Dalradian’s operations represents a systemic breakdown in regulatory oversight leading to a conflict of interest.

Despite recognising the illegal status of the site, no enforcement action has been taken.

- 2.11. These comments are incorrect and not accepted by the Council and it is not accepted that that the Council has any conflict of interest as alleged. The Council wishes to put on record that it has taken formal enforcement action, in line with its statutory responsibilities and enforcement strategy. The Council updated the PAC in its letter dated 02 September 2025.

Conclusion

- 2.12. The Council remain of the view that planning permission should be refused. There are a number of legal impediments to permission being granted and twenty-eight draft Reasons for Refusal set out the concerns that the Council has with the application for planning permission.