

Planning Appeals Commission,
92 Ann Street,
Belfast

4th December 2025

Dear Sir /Madam

Statement of Evidence for Dalradian Public Inquiry

* I respond to the invitation from the PAC to do a final submission following up on the Transboundary Consultation submissions in view of the failure by Dalradian Gold to present any environmental information subsequent to the 1600 submissions by the public on new and additional matters that identified additional and cumulative environmental negative impacts on the environment, on both sides of the border, that have not been identified or addressed by Dalradian Gold in previous documents. The issues collated by DfI in their 8 page summary of issues raised in the 1600 submissions to the Transboundary Consultation have not been addressed by Dalradian Gold. https://www.pacni.gov.uk/files/pacni/2025-06/2025-06-17%20Transboundary%20Issues%20Paper%20June%202025_redac.pdf

My concerns include the negative impacts on cultural heritage, biodiversity, water, landscape, air, health, traffic, farming, fishing & tourism, economic & social effects, climate change, mine waste, peatland as well as the cumulative impacts not being considered or the precautionary principle applied. Furthermore, Dalradian's Statement of Case includes new information not consulted on, as well as appearing to change their application for a gold and silver mine to add "critical minerals." Dalradian however have not substantiated these fundamental changes to their Planning Application with any Feasibility Study, or logistical or budgeting evidence.

If Dalradian Gold are seeking Planning Permission for the exploration for, mining, extraction and / or processing of specific critical minerals alongside gold and silver, surely this must be part of a fresh application with an EIA on the logistics and associated negative impacts?

Dalradian Gold have been given every assistance by Northern Ireland Government Departments over several years. The company have been given exclusive exploration rights over hundreds of thousands on hectares of land. The company has been granted access to the Tellus Survey databases and given extensive information and assistance by Geological Survey Northern Ireland and DfE. There appears to be no valid reason for withholding such basic information on what precisely type of mine this planning application is asking authorities here to approve? The PAC will have noted that whereas the entire Planning Application up until October 2024 was for a goldmining operation – with a smaller silver element (and that copper would make no significant economic contribution to the feasibility status of the proposal). The EIA documents addressing the application and its various addenda did not address the significant negative impacts of the additional metals or minerals. The Public Inquiry needs to acknowledge the cumulative negative environmental impacts of the various 'precious metals / minerals' that Dalradian Gold casually includes in parts of their documents. Neither have the Transboundary impacts of these been dealt with by Dalradian Gold.

* The absence of a defined jurisdictional border between RoI & UK has been identified by the NI Assembly as impacting negatively on responsible and sustainable regulation and enforcement along the border region. A briefing paper of the Assembly identified concluding that both Governments needed to prioritise. This is required before any decision is made about a proposed goldmine.

* The numerous issues thrown up by the Transboundary are both significant and serious for the Dalradian Gold Planning Application. The response by Dalradian Gold to the the Transboundary Consultation responses seems not be compliant with the 3 pillars of the Aarhus Convention: access

to information, the right to participate in decision making processes that may significantly affect the environment and access to justice. Respondents to the Transboundary Consultation risk being treated differently from the people who submitted Statements of Case and Rebuttals to all 8 applications of Dalradian Gold which are being considered by the PAC. The respondents to the Transboundary Consultation have been asked to provide Statements of Evidence for the Curraghinalt Mine Project and the 33kv heavy duty powerline, but not the 2 Discharge Consents, 2 Water Abstraction application and the Road abandonment application. Why? In light of the significant issues raised in Transboundary Consultation responses, this omission appears impossible to justify. There is a risk that people who responded to the Transboundary Consultation may be further disadvantaged in that they have no way of knowing what was already discussed on the first 3 days of the Public Inquiry 13th-15th January 2025, as there was no recording or Minutes provided. How will this be addressed going forward? In light of this and the introduction of new information, the points discussed in January 2025 would need to be revisited in April 2026.

* A huge number of people are opposed to the proposed goldmine and all it entails (50,000+ submissions of objection). Yet there is such inequality of arms in this Public Inquiry. People cannot listen in or join online - they have to be there in person. Carers and mothers of young children were discouraged from attending. 22 days have been timetabled for the re-convened Public Inquiry in 2026, but the majority of ordinary people who are in employment cannot take 22 days off work. It's fine for Dalradian Gold's legal teams and many consultants, as they're being paid to attend. Experts representing the people who are opposed to the goldmining application are not allowed to join online and as the timetable of Topics will not be available till March 2026, it leaves very little time to make travel and accommodation arrangements.

* The April 2025 report, "Potential Impacts of a Failure of the Dry Stack Facility at the Proposed Dalradian Gold Curraghinalt Mine in Northern Ireland on the Rivers of the Republic of Ireland." by Dr Steven Emerman, eminent hydrologist and geophysicist, outlines the potential detrimental impacts of the failure of Dalradian's proposed tailings stack on the River Foyle, Lough Foyle and River Finn. <https://drive.google.com/file/d/1FcC1U75V2ttxyizz2cydZK4UAVO4zclm/view>

* Prof Steven Vick in his book, "Planning, Design, and Analysis of Tailings Dams" says regardless of intentions, **failure / collapse is inevitable** for the "Dry Stack Facility" (a PR term, not standard terminology). Filtered Tailings Stack or Mine Waste Storage Facility are the correct terms. This is stated in official mining industry documents, eg. "Tailing Management Handbook" by Society for Mining, Metallurgy and Exploration. This handbook also states that these structures "**require maintenance in perpetuity.**" There have been multiple failures of similarly designed "Dry Stack Facilities"/ Filtered Tailings Stacks (eg. In Brazil Jan 2022, Mexico Sept 2024, Brazil Dec 2024, two in Indonesia in March 2025). Dalradian Gold has no plans to monitor, inspect, maintain and review in perpetuity and even if they had, no-one would believe them!. Basically, risk is about consequences and if failure is not acceptable at a particular location, then it should not be built there. Dalradian Gold do not provide **an analysis of the consequences of failure.** This is necessary and should be included in their environmental Impact Statement. Furthermore, a tailings dam/"Dry Stack Facility" never has insurance for failure as **failure is an uninsurable risk!**

*According to the mining industry, an "**Emergency Preparedness and Response Plan**" is necessary. This is missing from Dalradian Gold's plans. Such a plan should have been co-ordinated between the two governments of Northern Ireland and Republic of Ireland.

* The Global Industry Standard on Tailings Management (GISTM), which was largely written by the International Council on Mining and Metals (ICMM), is very widely accepted within the mining

industry. It balances the interests of mining companies with the protection of people and the environment. It emphasises safety and transparency. “The Global Industry Standard on Tailings Management (herein “the Standard”) strives to achieve the ultimate goal of zero harm to people and the environment with zero tolerance for human fatality. It requires Operators to take responsibility and prioritise the safety of tailings facilities, through all phases of a facility’s lifecycle, including closure and post-closure. It also requires the disclosure of relevant information to support public accountability.” Dalradian has not taken this advice.

*“Safety First. Guidelines for Responsible Mine Tailings Management,” (2022),(endorsed by 158 NGOs, political parties and tribal governments) emphasises the protection of people and the environment. The consent of the impacted community is most important and in the Sperrins AONB, the vast majority of people say no to toxic mining. They have the right to consent or to withhold consent. The voice of the impacted people must be heard. The PAC should ask “Who is gaining the benefits of a goldmine and who is bearing the risks?” There is huge disparity in power between these two groups. This raises serious ethical problems which must be taken into account by the PAC.

* Dalradian’s proposed site is only a kilometre from the primary school and playgroup in Greencastle and half a kilometre from the local church, football club, playing fields and community centre. To build a goldmine in such close proximity to people, including young children, would not even be allowed in China, often regarded as a country with weak environmental standards. Furthermore, in China, tailings facilities are strictly forbidden within three kilometres from the banks of main streams and one kilometre from the banks of tributaries. It is ironic that the Owenkillew and Owenreagh Rivers and Curraghinalt and Pollanroe Burns and the precious freshwater pearl mussels would be better protected in China! Other jurisdictions have even stricter standards for minimum separation between tailings facilities and communities (eg. Brazil).

* The issues raised by Dalradian Gold’s failure to accept / comply with planning and environmental regulations here need to be factored into the Public Inquiry and also regarding it’s decision to not respond to the Transboundary Consultation. ¹

* The risk of radiological Cs137 from peat disturbance has not been considered at all by Dalradian Gold. The Sperrin Mountains received airborne fallout during the rainfall events of early May 1986, following the Chernobyl disaster. Northern Ireland received higher initial doses of radiation compared to other parts of the UK due to meteorological conditions at the time, specifically patchy rainfall that washed the radioactivity from the passing plume. Global fallout from atmospheric nuclear weapons tests also contributed a smaller baseline amount. The Sperrin Mountains, with their extensive peat bogs, are an area where this contamination is concentrated and persists. Disturbing peat in an area with historical Cs137 deposition can mobilise contamination into the environment. Dalradian Gold has not provided any confirmation, supported by proper evidence, that peat disturbance will not mobilise Cs137.

The lack of transparency, profoundly serious negative environmental risks and other threats² that this Planning Application and its association statutory applications seek are far too serious and remain. I call on the Planning Appeals Commission to recommend a refusal.

Yours sincerely



¹ See Appendix i

² See Appendix ii

[REDACTED]

Planning
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26th November 2025

Dear Sir/Madam

Re. Objection to Dalradian Gold Planning Applications LA10/2025/0953/F and LA10/2025/0952/F which are substantially the same as the recently rejected / withdrawn planning applications LA10/2023/1758F & LA10/2023/1759/F and both are Intrinsicly linked to K/2013/0072/F and K/2014/0246/F & K/2014/0387/F.

It is reasonable to conclude that these applications are effectively seeking planning approval to remedy the fact that the Dalradian Curraghinalt site has been in breach of Planning conditions since at least 2020 and to get an extension to the previous expired planning permission until November 2026. Neither does the planning application provide a timetabled plan for site reinstatement and closure by November 2026. There are several grounds for rejection of these applications.

Furthermore : *"...a planning authority may refuse to accept an application to vary a condition or conditions on the basis that the application is considered to be for new development" (case law: Derrick Taylor v The Scottish Ministers Court of Session 27/10/2004). In the Taylor case, a local planning authority refused to accept an application for the amendment of a condition because it considered the proposal to be a new application for development on the basis that a trout farm would become a site for the deposit of inert material. This stance was supported by a Reporter in an appeal, whose decision was upheld by the Court of Session (in Scotland). The court also agreed with the Reporter's comment that the problem in the appeal was that it depended on: ".....the fallacious idea that a condition of a planning permission can in effect convey planning permission for substantial development not within the scope of the original application."*
Development Management Practice (DMP) 2017. Note 24 Section 54 Applications.

The case for rejection of Dalradian Gold's LA10/2025/0953/F and 0952/F as invalid applications is, furthermore, evident in DMP Note 24 para 3.8, *"Therefore, if a planning permission lapses, then a section 54 application in relation to it cannot be accepted by the planning authority."*

The case for rejection of LA10/2025/0953/F and 0952/F as invalid applications is further supported by other sections of DMP 24, that specify the limitations of the vires of Planning under Section 54, including para 3.14: *"It is established law that a condition on a planning permission will not be valid if it alters the extent or indeed the nature of the development permitted" (case law: Cadigan v Secretary of State for the Environment (1993) 65 P. & C.R. 410 – Lord Justice Glidewell). When considering an application under section 54, the planning authority must avoid any variation to conditions or new conditions which would fundamentally alter the nature of a planning permission (case law: R v Coventry City Council ex parte Arrowcroft Group plc 2000 WL 1151469)."*

The absence of a Design and Access Statement among the documents supporting applications LA10/2025/0953/F and 0952/F further invalidates these applications. *"Under Article 6(4)(a), the requirement for a design and access statement does not apply to a section 54 application for planning permission to develop land without compliance with conditions previously attached to a grant of planning permission for major development and major development of regional significance, unless those conditions relate to design and access issues."* DMP 24. 4.8 The absence of conditioned

essential splay distances for the entrance laneway up hill to the explosives store was overlooked during the initial site assessment and approval. This breach of conditions was subsequently deemed not expedient to enforce by Roads Service in view of the short-term nature of the planning approval.

[REDACTED]

1. Dalradian Gold was granted a 3 year exploratory planning permission in January 2014 ref: K/2013/0072/F and changes to this parent Application K/2014/0246/F & K/2014/0387/F and the time is now well past the three year time limit written into the planning conditions. It was stated by SPD (Strategic Planning Division) and by Minister MH Durkan MLA at the time that an Environmental Impact Assessment was not required for 2 reasons: firstly, because the planning permission was for a strictly limited 3 year term and, secondly, because the 44 conditions would be robustly enforced. **Fermanagh & Omagh Council Planning declared several times over the past number of years (2020,2022, 2023) & 2024 that Dalradian was in breach of planning conditions.** FODC served a Breach of Planning Notice on Dalradian Gold in Dec 2022. But enforcement action was dropped. [REDACTED]

[REDACTED] The fact that Dalradian have not even removed the buildings that never had planning permission effective action has been taken since then by planning. Ordinary ratepayers in the district would not be allowed to be in breach of planning law like this for so many years. **At the first public meeting of the PAC Public Inquiry (20 March 2024) on Dalradian Gold's Planning applications for a gold mine (K/2017/1249/F) FODC confirmed that Dalradian Gold's site was in breach of planning conditions.** Planning permission expired in August 2017.

2. [REDACTED]. Planning regulations do not allow for this to be written-off as "inherent" in the grant of permission. **For avoidance of doubt, landfilling constitutes development as defined in section 23 of the 2011 Planning Act.** Detail of any landfilling should have been provided in the planning application K/2013/0072/F. It was not. Since the Curraghinalt site is hydrologically linked to the protected Owenkillew River SAC it is governed by the same environmental protection standards. (photos of the 2014 infilling works accompany this objection) Furthermore, [REDACTED] on the Curraghinalt site (which is still not removed) demands that planning permission cannot be granted to extend the life of a project that was not carried out in accordance with the original permission. In other words, Dalradian is applying to extend planning permission for something that did not benefit from planning approval from the outset in 2014. The conditions accompanying the three parent applications of LA10/2025/0953/F and 0952/F did not permit [REDACTED]

[REDACTED] It is clear in that planning can not be granted for this by the instrument of Section 54 application. "In essence, section 54 allows for different conditions to be attached to a new planning permission but does not allow for the amendment of the description of development of the previous (original) permission." (DMP 24 para 3.5)

3. [REDACTED] and from its exploration and core sampling sites have been recorded since those [REDACTED] on 20th July 2011 and again on 2nd August 2011 were drawn to the Department's attention by the public.

[REDACTED]. This briefing of the DAERA Committee by NIEA occurred in the wake of a BBC Spotlight Programme in October 2021 that was

highly critical of the environmental governance of the Dalradian Gold project by NIEA.

<https://youtu.be/MLPLAZdhSjM>

4. The BBC Spotlight programme drew heavily on a successful High Court challenge by local woman, [REDACTED], against NIEA & DAERA and Dalradian regarding a 2017 Discharge Consent of heavy metals into the Owenkillew River SAC. The programme highlighted [REDACTED].

[REDACTED].
[REDACTED]
[REDACTED] A contention by NIEA / DAERA that they were not given an opportunity to reply to the criticism levelled against them was rejected by BBC and by Ofcom.

5. Subsequently, [REDACTED]
[REDACTED]
[REDACTED]

6. FODC's refusal to enforce Planning regulations against Dalradian stands in stark contrast to their strident and heavy-handed enforcement against local farmer, [REDACTED], when Dalradian Gold and [REDACTED] of Orion demanded the destruction of the [REDACTED] family's 200 year old homestead at [REDACTED]. How can someone in Canada merit such more favourable treatment in comparison to a local farmer? [REDACTED]

[REDACTED] of the beautiful Owenkillew River valley with all its environmental designations: AONB, ASSI, and SAC with its Draft Owenkillew Sub-Basin Management Strategy (2012) giving legal protection to its most endangered species, the amazing fresh water pearl mussels, salmon, trout and otters, while refusing to enforce against such toxic industry that is so inappropriate for an important Sperrins cultural / rural tourism destination? A senior officer of FODC Planning stated during a court case in Omagh Courthouse 23 June 2023 that Dalradian Gold were in breach of Planning as planning permission for the Curraghinalt site had expired and that they had been in breach of planning since 2021.

7. A Mine Waste Management Plan was not included with the initial planning Application K/2013/0072/F – This should have resulted in a rejection.

8. FODC issued a Breach of Condition Notice on Dalradian relating to Planning Permission K/2014/0387/F on 16 December 2022. The Notice ID. EN/2022/0245. The Notice advised Dalradian, "There is no right of appeal to the Planning Appeals Commission against this Notice."

9. Dalradian Gold's planning application LA10/2017/1249/F seeks to retain the temporary works granted at Curraghinalt. [REDACTED]

[REDACTED] a [REDACTED]
[REDACTED]
[REDACTED]

11. The refusal by Planning to enforce closure against Dalradian Gold is a source of frustration. In May 2023 "The Council is aware that there is a breach of planning control which relates to failure to restore the lands in question by the agreed timeframe." (FODC) The Council is also aware that there is no compelling reason to support retention of the infrastructure on the site.

12. The public ask: In light of [REDACTED], the environmental sensitivity of the Owenkillew SAC and ASSI and [REDACTED] over the period 2016-2019

why is the Council's action not commensurate with the breaches and why does Council not enforce within a reasonable timeframe. [REDACTED]

13. [REDACTED]

14. [REDACTED] having enforcement action brought by the Council through to its conclusion regarding much less serious incident of unauthorized infilling works for parking a lorry at his home.

15. The environmental sensitivity and associated legally protected status of the Owenkillew River SAC demands much more robust environmental protection for the Curraghinalt site and surrounds with its ASSI and AONB designations. P [REDACTED]

[REDACTED]. There have been significant material changes arising from a programme of underground blasting over a '3 year' period at the site; extensive & deep borehole drilling throughout the valley & beyond in addition to the discharges of exploration works waste into the waterways in the intervening years since the parent applications were [REDACTED] 'approved' by Strategic Planning Division (SPD) without the requirement of an EIA or proper Habitats Assessment.

16. Since the Owenkillew River SAC is home to one of the most significant populations of freshwater pearl mussels (FWPM) in Europe, as well as being a site for salmon spawning & for brown trout and otters, the tick box exercise for environmental assessment undertaken by statutory consultees for LA10/2025/0953F & LA10/2025/0952/F is totally inadequate. In determining "no significant risk" reasonable justification is absent. Statutory consultees must address the more recent [REDACTED] water quality surveys and reports of these rivers. The December 2021 NI Water Framework Directive Statistics Report published by DAERA included results of tests for uPBT toxins for the first time. The Report found uPBT toxins in the Owenkillew River. The seriousness of these findings on uPBT (ubiquitous, persistent, bio-accumulative, toxic) pollution in the Owenkillew River cannot be overstated. This Report's findings including the fact that the water in the Owenkillew failed to achieve 'good status' are a serious matter in regards to the pearl mussels and other aquatic species.

17. It is a sad reflection on the state of Northern Ireland's statutory environmental regulatory system for Special Areas of Conservation (SAC) that it remains so dependent on the voluntary commitment of the public to remind our statutory bodies they have a legal duty not just to maintain the water quality status for the protected species but to improve it. **This is a legal requirement.** ([REDACTED]) The absence of effective planning and environmental monitoring, regulation and enforcement at both parts of the Curraghinalt site that constitutes LA10/2025/0953/F and 0952/F is a major issue for the public. [REDACTED] approach taken by a number of consultees to preparing their reports on the latter applications appears reflective of same.

18.

19. Factors that were not disclosed to the public and that must be addressed transparently as part of the current applications need to be included for full consideration at this time include the following:
A. Explosives Store: That the building to be used as an Explosives Store was deemed 'approved' by

Planning (K/2013/0072/F) despite the fact that the necessary architectural drawings were not submitted until June 2014.

B. Dalradian failed to provide essential visibility splays for the access laneway to the Explosives Store. The logistics of visibility splays was not assessed by Roads Service in advance of DfI granting planning approval for K/2013/0072/F, nor were the H & S risks to the public including the multiple users of the roadway and of the laneway which has a steep gradient down to the Camcosy Road. Moreover, it was subsequently pointed out by Burroughs Planning Consultants that the submitted Drawing No 12 misrepresented the location of a large tree that made it impossible to achieve the required splays or make the Camcosy road junction safe for road usage.

C.

20 Regarding application K/2014/0246 /F which approved the removal of the two conditions (25 & 26 of K/2013/0072/F) that were deemed essential specifically to protect the gravely endangered fresh water pearl mussels, documentation released subsequently by NIEA under freedom of information request has unearthed evidence [REDACTED]. An email at 10.57 on 25 March 2015 shows that on 24th March 2015 ODC Planning Committee [REDACTED] stating that the 'Water Order Discharge Consent (of Feb 2014) ... provides stricter controls than those in the Planning permission.....'. The email Memo of [REDACTED] (NIEA) to [REDACTED] and others of 14.05 15 Feb 2015 sets out clearly that the conditions 25 & 26 in the Planning Approval K/2013/0072/F were based on the Owenkillev Sub-Basin Management Strategy (2012) standards for the protected pearl mussels to achieve favourable status in the Owenkillev SAC. In stark contrast to the subsequent Discharge Consent, the Planning Permission conditions 25 and 26 had clear & specific sanctions attached. Furthermore, an email [REDACTED] acting for Dalradian on March 12 2014 to Strategic Planning Division and others stated that the maximum parameters stated in conditions of 25 & 26 of K/2013/0072/F were already being breached in the Curraghinalt Burn as well as "in the Owenkillev River both upstream and downstream of the proposed operations". The [REDACTED] email goes on to state that Dalradian notified Planning Service of the impossibility of meeting Conditions 25 & 26.....(and goes on to state) It was a considerable relief to Dalradian.....our conversationto create a way through this difficulty by applying for an article 28 change to the conditions.....you stated that the work could not be reasonably stopped if a condition was unreasonably imposed....."

A further Planning issue impacting the credibility of the Planning Permission K/2014/0246/F relates to the Development Control Officer's Professional Planning Report (signed off 17/2/2015), coming under a section headed, 'Consultation Responses', (dealing with the NIEA matters) paragraph 8 where it states:

'On 6 February 2014 Water Management Unit issued consent (number 068/12/2) to Dalradian Gold Ltd. The consent contained a 50mg/l Suspended Solids condition to be achieved prior to discharge into the Curraghinalt Burn. This is in line with the Departmental policy for discharges of this nature. Subsequent to Water Order Consent issue, Planning Permission was granted which included a 10mg/l Suspended Solids condition as a consequence of consultative response Natural Heritage' [my italics]

Note: The Departmental record shows that Planning Permission was issued on 23 January 2014 and the referenced Discharge Consent was not issued until 6 February 2014. The inaccuracy of the on file, Development Control Officer's Professional Planning Report is alarming.

21. The planning issues, lack of propriety, and the very serious questions surrounding compliance with SAC (& Habitats) environmental regulations of these Dalradian / [REDACTED] statements create enormous barriers for the two 2023 Dalradian applications LA10/2023/1758 & 1759. Many questions remain unaddressed despite the passage of time. And these questions are exacerbated by an internal email of 13 March 2014 within SPD Planning which raises even more issues. Eg. "Whilst the parameters in the conditions are exceeded in the Curraghinalt Burn and the Owenkillew river, DOE Planning would not be expecting the company to bring these water ways within the parameters At a meeting of 24 March 2014 it is intended to explore with NIEA and the company whether these levels can be met in terms of the company's own discharge....."

The need for clarification on issues propriety, candour and accountability at statutory authority management level require that the above questions be transparently and fully addressed by Dalradian and by Planning and by NIEA/DAERA. The record indicates that best practice did not prevail and handling the earlier applications appears to have transgressed the boundaries of acceptable standards and this against the backcloth of what Head of Civil Service NI David Sterling described a 'shocking' culture of unaccountability (during the course of the Renewable Heat Initiative Inquiry). It would be reckless to suggest that the current breaches of planning by Dalradian Gold could be remedied by a decision to 're-instate' planning by Council. It would expose Planning to further embarrassment and expose the public purse to even greater financial risk.

22. A Belfast High Court decision of November 2019 that QUASHED the Discharge Consent issued to Dalradian by NIEA / DAERA in Sept 2017, is essential material in carrying out an assessment of LA10/2023/1758 & 59. The judgement in the case of a Judicial Review taken by [REDACTED] against the Department's decision to significantly relax the parameters restricting the company's permission to discharge [REDACTED] heavy metals into the Owenkillew River. An international expert witness on mining who had worked in 46 different countries advised that in all his years of experience [REDACTED]. He pointed out to the court that in addition to other failures, the regulatory body did not even have the equipment required to test the consented discharge at the levels of the specified parameters.

23. Planning's [REDACTED] of this type of project in Omagh District / [REDACTED]: (i) In May 2012 following an investigation by the Ombudsman, the Planning Department (DoE) issued an unreserved apology for its failure to take effective, prompt enforcement action on Flintridge/ Galantas Gold and failure to ensure a closing plan. (ii) In Sept 2018, the Chief Planner addressing the Strategic Planning Group said, "The EU is looking for real evidence that things have improved on the ground...As a first step, the Department will be looking at Council enforcement strategies, particularlyto exercise enforcement action to ensure compliance with EIA Directive Reg 32." (iii) In April 2020 Justice Humphries in the case of Donnelly versus Fermanagh & Omagh District Council, "...the Court is not satisfied that an approach which relies upon complaints from the public and evidence produced by them, could properly be seen as compliant with the obligations imposed by Regulation 32 of the 2017 Regulations."

24. In November 2015 a complaint was lodged with the Planning Department on behalf of [REDACTED], regarding a stream that had disappeared on his lands arising from the underground workings of Dalradian Gold. It was not until September 2018 after the matter was referred by the Departmental Permanent Secretary to DfI Rivers Agency that it was confirmed officially, "It is fairly obvious that the tunnel (Dalradian Gold) has affected the water table." This presents a very significant issue especially for farm animals and farmers but it has many other related

consequences for protected waterways and aquatic life. The risks arising from any decision to allow a further extension of these works and underground tunnelling arising from granting new planning permission to LA10/2023/1758/F and LA10/2013/1759/F through 2025(26) have not been addressed by Dalradian or by the statutory consultees.

25. Dalradian Gold's Statement of Case (October 2024) to the ongoing PAC Public Inquiry (currently under suspension) [REDACTED] at two test wells on the Curraghinalt site during the period 2016-2019. There is no evidence from Dalradian Gold on samples taken from these same test wells in the period since then. Since the Owenkillev River SAC is home to one of the most significant populations of freshwater pearl mussels (FWPM) in Europe, as well as being a site for salmon spawning & for brown trout and otters, the tick box exercise for environmental assessment undertaken by statutory consultees for LA10/2023/1758F & LA10/2023/1759F is totally inadequate. In determining "no significant risk" reasonable justification is absent. Statutory consultees must address [REDACTED] water quality surveys and reports of these rivers. The December 2021 NI Water Framework Directive Statistics Report published by DAERA included results of tests for uPBT toxins for the first time. The Report found uPBT toxins in the Owenkillev River. The seriousness of these findings on uPBT (ubiquitous, persistent, bio-accumulative, toxic) pollution in the Owenkillev River cannot be overstated. This Report's findings including the fact that the water in the Owenkillev failed to achieve 'good status' are a serious matter in regards to the pearl mussels and other aquatic species.

Yours sincerely

[REDACTED]

[REDACTED]

Email: [REDACTED]

DSC_0947 Siteworks and filling at Curraghinalt site 17 October 2014



DSC_0935 Curraghinalt site filling 17 October 2014



DSC_0934 Curraghinalt site filling 17 Oct 2014



DSC_1034 12th November 2014 Site filling at Curraghinalt



DSC Photo from top of Curraghinalt



DSC Photo from top of Curraghinalt

