

Your reference
Our reference AE2-24-150550

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Dear DfI,

DAERA NIEA Rebuttal of Curraghinalt Project – Loughs Agency Statement of Case

I refer to the issuing of the recent Statement of Cases with regards to the above.

We are pleased to provide comments and advice on the key environmental considerations for the Northern Ireland Environment Agency (NIEA) within DAERA.

For your convenience we have provided our comments under the following topic headings:

- Natural Environment Division – Conservation Designation and Protection (CDP)

Yours sincerely,

Planning Response Team



DAERA NIEA :Natural Environment Division – Conservation Designations and Protection & Biodiversity and Wildlife Units

Planning Reference No: LA10/2017/1249/F

1. Designated Site Considerations

- 1.1. NED CDP/BWU have reviewed the statements of case submitted by Loughs Agency, the Competent Authority responsible for the protection of Salmon Fisheries in the Foyle system.
- 1.2. NED CDP/BWU are content that the statements of case are supportive of the position presented in both its 2021 Planning response, its Oct 2024 Statement of Case and in line with the NED CDP/BWU rebuttal to the applicants SoCs.
- 1.3. Particular regard has been given to water quality standards for the Pollanroe Burn, the Curraghinalt Burns, the unnamed watercourse and subsequent impacts on the Owenkillew River SAC and River Foyle and Tributaries SAC site selection features, namely Atlantic Salmon and Freshwater Pearl Mussel.
- 1.4. The position clearly laid out by Loughs Agency, is based on their extensive knowledge of Atlantic Salmon ecology within the Foyle System and is backed by sound scientific rationale. Furthermore, this position aligns with the requirements of the Habitats Regulations in its determination that that both Burns are functionally linked to the Owenkillew SAC.
- 1.5. This conclusion is supported by irrefutable evidence in the form of electro-fishing surveys undertaken by both the applicant (in the presence of Loughs Agency, Appendix 3 of the Lough Agency's SoC for the main mine application) and Loughs Agency (in the presence of NIEA, Appendix 2 of the Lough Agency's SoC for the main mine application).
- 1.6. These surveys proved beyond doubt that all of the Burns are both accessible and can be utilised by Juvenile Salmonids, Brown trout and Atlantic Salmon.
- 1.7. As such, water quality standards must be set for the sensitive SAC receptor, juvenile Atlantic Salmon, at the point of discharge, this is in line with the requirements of the Habitats Regulations and backed by case law.

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Natural Environment Division – Conservation Designations and Protection & Biodiversity and Wildlife Units

Planning Reference No: LA10/2019/1386/F & LA11/2019/1000/F

2. Designated Site Considerations

- 2.1. NED have reviewed the statements of case submitted by Loughs Agency, the Competent Authority responsible for the protection of Salmon Fisheries in the Foyle system.
- 2.2. NED CDP/BWU are content that the statements of case are supportive of the position that NED presented in both its 2021 Planning response, its Oct 2024 Statement of Case and in is line with the NED rebuttal to the applicants SoCs.
- 2.3. Particular regard has been given to water quality standards for the Pollanroe Burn, the Curraghinalt Burns, the unnamed watercourse and subsequent impacts on the Owenkillew River SAC and River Foyle and Tributaries SAC site selection features, namely Atlantic Salmon and Freshwater Pearl Mussel.
- 2.4. The position clearly laid out by Loughs Agency, is based on their extensive knowledge of Atlantic Salmon ecology within the Foyle System and is backed by sound scientific rationale. Furthermore, this position aligns with the requirements of the Habitats Regulations in its determination that that both Burns are functionally linked to the Owenkillew SAC.
- 2.5. This conclusion is supported by irrefutable evidence in the form of electro-fishing surveys undertaken by both the applicant (in the presence of Loughs Agency, Appendix 3 of the Lough Agency's SoC for the main mine application) and Loughs Agency (in the presence of NIEA, Appendix 2 of the Lough Agency's SoC for the main mine application).
- 2.6. These surveys proved beyond doubt that all of the Burns are both accessible and can be utilised by Juvenile Salmonids, Brown trout and Atlantic Salmon.
- 2.7. As such, water quality standards must be set for the sensitive SAC receptor, juvenile Atlantic Salmon, at the point of discharge, this is in line with the requirements of the Habitats Regulations and backed by case law.

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