

Statement of case for the AIL 2024 0008 – DAERA (PAC Ref: 2024/WHR01) & AIL 2024 0009 – DAERA (PAC Ref: 2024/WHR02) for consent to abstract

The geographical location is of central importance: the Sperrins AONB, the Owenkillew SAC, the Owenreagh ASSI, the Foyle River & tributaries system SAC & ASSI, the nearby RAMSAR site of the Black Bog, the SAC features of Mullan Woods & Drumlea Woods, Creggan Bog Local Nature Reserve, etc. This environmentally sensitive site has to be protected from such toxic and intrusive mining operations. These designated areas are all crucial for biodiversity and ecological balance. Any risk or damage to them is in contravention of Fermanagh Omagh Local Development Plan (2030), Water Framework Directive (2015 & 2017), Habitats Regulations (1995), and the Owenkillew River Management Plans (2013 & 2023).

Dalradian must not be allowed to escape the legislation associated with reservoirs simply by renaming the reservoirs as storage 'ponds'. The term 'pond' is a misnomer. How can so-called "ponds" containing almost 9 million gallons each ($40,260 \text{ m}^3 / 8,855,962 \text{ gallons}$ & $38,855 \text{ m}^3 / 8,546,905 \text{ gallons}$) be treated less seriously than reservoirs containing $10,000+ \text{ m}^3 / 2,200,000 \text{ gallons}$?

The application states that surface water from north of the proposed infrastructure site will be "collected" in the North Diversion Berm & "directed" to the "Clean Water" Pond. This description of what in effect is a highly managed industrial process requires further clarification. How is the water "collected" and how is it "directed"? What type of constructed channel will it be directed through? What will be the return period for overflow of this channel? Where will the water go if it overflows the channel? From what size of area do they intend to abstract half a million gallons of water per day, 365 days a year for 20 years? Does Dalradian have "water rights and access rights" over such an area? This is not stated. Also, how are "contact water and non-contact water" managed "to maintain separation"?

It has been highlighted by [REDACTED], a recognised specialist in the field, that Dalradian's predicted water consumption rate (circa 400,000 litres a day) is about 10% of what is standard in the goldmining industry and no explanation has been given. Most of the area from which Dalradian Gold is applying to abstract water is covered in peat, supporting blanket bog and wet heath habitats that are recognised as priority habitats in NI & are listed under Annex 1 of EU Habitats Directive. The proposed abstraction would cause ecological damage in contravention of the Habitats Regulations (1995). Peat bogs are also important as natural flood alleviation because of the amount of water they store. Dewatering peatland could have outcomes in terms of flash floods and land erosion / destabilisation events. Contrary to what Dalradian's consultant, Gahan and Long, wrote in their 28/01/22 letter, it stands to reason that the abstraction of half a million gallons of water per day every day of the year for 20 years would lead to the drying out of the bog land which would also increase the risks of widespread fires. Dalradian need to declare their intentions: Are they planning to capture standing water from the peatland or pump standing water out of the peatland? Dalradian has failed to evidence that the water to be abstracted does not include headwaters of the Pollanroe Burn, the unnamed

watercourse and other tributaries. Furthermore, given the amount of water proposed to be abstracted from the peatland, it seems impossible that sub- surface archaeological deposits would survive within the infrastructure site. Dalradian’s plans to remove 74 acres of peatland to build their infrastructure as well as their industrial activities including vibrations & blasting twice a day, every day of the year for 20 years would shake and destroy any sub-surface archaeological deposits¹. The wider area is abundantly rich in archaeological sites, which are part of our cultural heritage, and any risk or devastation to it would be an attack on our human rights. Additionally, local people have no faith in Golder’s reports, as we believe there is an inherent conflict of interest as Golder had previously worked for Dalradian Gold before they were engaged as consultants for the Department².

The peatlands will leak carbon if their water is abstracted. The destruction of 1000 acres of peatland releases 2.7 million metric tons of carbon dioxide³. “Peatlands are the largest terrestrial carbon store. They store twice as much carbon as all of the earth’s standing forests, even though they only cover 3% of the world’s land surface”.⁴ In these times of climate crisis, people are encouraged to conserve and restore peatland.⁵ In fact, DAERA/NIEA has funded such a project at [REDACTED] [REDACTED] water drawdown by the proposed gold mine approximately 1,000 metres deep and the impacts on projects [REDACTED], have not been assessed.

Water quality in the Pollanroe Burn & in the Owenreagh River into which it flows will be negatively impacted as a result of this project. It is significant that Dalradian says “groundwater quality is not considered relevant to the abstraction licence applications.” The proposed abstraction and discharge of water could lead to reduction in water quantity and degradation of water quality in nearby rivers and streams, thus affecting aquatic life. The abstractions would change the natural flow regimes of the local water bodies, especially the Pollanroe Burn, the unnamed watercourse and the Owenreagh River, affecting aquatic habitats and species that depend on specific flow conditions, particularly the freshwater pearl mussels, which are Ireland’s only globally endangered species. Dalradian’s plan at closure to remove the linings of their “ponds” and allow the contents to soak into the ground could further contaminate the water table, aquifers, streams & rivers. The precautionary principle⁶ demands that such high-

¹ Juukan Gorge:

<https://www.dcceew.gov.au/sites/default/files/documents/australian-response-to-destruction-of-juukan-gorge.pdf>

² Dalradian Proposed Curraghinalt Project Surface Water Quality Review. Golder Associates, 5 March 2021. Ref 3.2.3.1 Conceptual Site Models, Backwards Modelling (arsenic, mercury); Ref 3.2.3.3 Events in Excess of Design Criteria; Ref 4.4 Assessment of Associated levels of uncertainty Also in: Dalradian Proposed Curraghinalt Gold Mine Project – Water Balance Review. Golder Associates, 8 March 2021. Ref 4.3 / 4.4/4.7 Conceptual Models / Uncertainty in Model Inputs and Outputs. Ref 4.11.1 / 4.11.2 Maintenance of Low Flows Reduction of Erosion (Pollanroe Burn).)

³ <https://files.dnr.state.mn.us/aboutdnr-reports-carbon866>

⁴ The Guardian 28/07/2017

⁵ Northern Ireland Peatland Strategy. 2022 - 2040 DAERA

⁶ The Precautionary Principle is one of 5 Principles of the Environmental Principles Policy Statement (EPPS) UK 2023

risk proposals of Dalradian be rejected, in order to protect the waterways and the highly vulnerable ecology.

Dalradian's 2020 report says that groundwater levels will return to near natural conditions around 15 years post-closure of the mine. Dalradian's earlier reports stated it would take 100 years post-closure. No explanation for this 85 year reduction has been provided.

Increased water consumption for the project could reduce the availability of water for local communities and family farms, particularly during dry periods. Competition over water resources could lead to additional conflict between the mining company and local communities or other water users. The implications for the public water supply could potentially impact human health downstream, particularly for those who rely on these sources for clean water.

An NIEA letter 18/11/21 asked Dalradian to verify whether the proposed abstractions would impact the status of the groundwater body based on a water balance test. Kaya, on behalf of Dalradian, replied on 17/12/21 with regard to 'Provision of a Water Balance Test' - that "abstracted water that is returned is excluded from the calculation." This statement of Dalradian requires further clarification. Surely the half a million gallons of water proposed to be abstracted daily from the peatland is very different water from the contaminated water proposed to be abstracted from the mine every day. The water quality has very obviously been altered before being returned to the environment.

The cumulative impact of all the adverse impacts of these water abstractions has not been assessed. Given the sensitivity of aquatic life to any extractives-industry caused change in the water environment, the failure by Dalradian Gold to thoroughly address the impact of the many changes to this water environment, including the temperature fluctuations that would be caused by the proposed management of the whole water system for the needs of the gold mine (as opposed to the needs of the Burns or of the Rivers or of the Pearl Mussels, Salmon, Trout or People), is shocking and reinforces the reasons for refusal.

The numerous risks and irreversible impacts of these Abstraction and Impoundment applications, mean that the Precautionary Principle must be applied.

I fully support and endorse the statement of case submissions made by [REDACTED] this conjoined public inquiry.

[REDACTED]

[REDACTED]

I am further dismayed by the Department of Infrastructure's 15/10/24 letter. This correspondence exposes a lack of understanding of its own legislative obligations, and creates further confusion just 3 days before statements of case submission deadline. Public trust in the inquiry process has been again undermined.

It appears evident from its letter that DFI has no option other than to seek this further environmental information (FEI). In turn, all parties will need to be afforded an opportunity to consider same and comment once received.

It is those with the least resources and limited access to expert help that will be the most impacted by the Department's unacceptable conduct.

I submit this statement of case under protest and in the knowledge that it may now be incomplete until afforded an opportunity to consider any FEI.

In light of the latest correspondence from DFI, it does not seem feasible that the Appeals Commission can proceed with the public inquiry as planned and I call on the PAC to provide much needed clarity on the next steps as a matter of urgency.