

The below represents draft rebuttals to Statements of Case have been prepared by ■■■■■ ■■■■■ ■■■■■ pursuant to the direction of the Planning Appeals Commission dated 11<sup>th</sup> September 2024 in respect of the applications comprising the 'Curaghinalt Project (Dalradian Gold)'. The volume of material provided and the time frame to provide rebuttals has not been sufficient to instruct experts to fully assess the claims made in same.

Therefore, this submission represents draft rebuttals to statements of case and is not an indication of the entire extent of representations that may be made by me before the PAC once the hearings have begun.

The Statements of Case that are addressed include:

**(a) The Statement of Case prepared by Gravis Planning on behalf of several third-party supporters of the Curraghinalt Mine Project.**

The above Statement of Case makes several arguments in support of the applications comprising the Curraghinalt Project as a whole which can be broadly categorised as the purported economic benefits, the purported community benefits, the project being in line with Northern Ireland government policy, and the project providing individual opportunities for career advancement within the local community.

Arguments regarding the purported economic benefits of the Curraghinalt Project underestimate the temporary nature of the employment that will be provided by the project and reliance on a single industry does not bode well for the security of employment that is provided if the applicant were to come into difficulties outside of Northern Ireland. Further, points made as to employment and the training provided are limited by the fact that specialist employees will be required to be brought from outside the local community to facilitate the development of this specialist industry.

Claims of community support is, as is widely known, contested and a Statement of Case on behalf of third-party supporters does not cover the plurality of opinions regarding the Curraghinalt Project. The Community Fund

Arguments regarding the Curraghinalt Project being in line with the concept of sustainable development underestimate the risks of same to water quality, biodiversity and habitats, downstream effects of the processing of the mined materials, and the impact on the Sperrin Mountains as an Area of Outstanding Natural Beauty (AONB). The long-term impacts of the project further have not been sufficiently commented upon to sustain an argument as to the environmental soundness of the Curraghinalt Project.

**(b) The Statement of Case prepared by Greencastle GAA community group.**

The arguments advanced in this Statement of Case highlight the community tensions regarding this project and do not require to be commented upon.

**(c) The Statement of Case prepared by the Department for Infrastructure (DFI) concerning the Curraghinalt 33Kv Project (including both LA10/2019/1386/F and LA11/2019/1000/F).**

The DFI has taken a neutral stance and has highlighted a number of concerns regarding the impact of the Curraghinalt 33Kv Project including the ecological impact the visual impact, the impact on human health, potential impacts on telecommunications and the valuation of properties located near same.

This Statement of Case highlights potential impacts on biodiversity including possible collisions with the overhead powerlines by birdlife as well as potential impacts on natural habitats. Further, the installation of the powerlines is expected to have a significant visual impact on the Sperrins AONB. Residents residing near the proposed powerlines have expressed concerns regarding noise pollution among other factors impacting human health, potential interference with telecommunications and the possibility of devaluation of properties in the area and possible underinvestment by local public authorities in respect to the tourism potential of the Sperrins AONB.

I do not have the expertise to comment upon these points raised by the DFI's Statement of Case given the time constraints presented; however, I underscore the potential negative impacts as highlighted and should be considered as issues to be addressed by the PAC during the course of the Public Local Inquiry.

**(d) The Statement of Case prepared by Turley Associates Limited on behalf of the applicant concerning the Curraghinalt 33Kv Project (including both LA10/2019/1386/F and LA11/2019/1000/F).**

This Statement of Case concludes that "Given the insignificance of the predicted impacts on the Sperrin AONB, the impact of the powerlines will not be adverse and there will, therefore, be no diminution of its tourism value". I do not possess the expertise to address the Curraghinalt 33Kv Project's interaction with the relevant planning documents and policies outlined in this Statement of Case, however, the above statement is contested on the basis, inter alia, that same is not sympathetic to the special character of the AONB as per Policy NH 6.

Whilst the Statement of Case states that wooden poles will reduce visual impacts compared to pylons, any overhead lines in an AONB will detract from the area's natural beauty and tourism appeal when viewed in conjunction with the other applications comprising the Curraghinalt Project as per Policy TSM 8.

**(e) The Statement of Case prepared by Karl Goodbun Limited on behalf of the applicant concerning the two applications (TrC 080/20\_1 - DAERA and TrC 081/20\_1 - DAERA) for consent to discharge.**

This Statement of Case describes the applicant's approach to the issue of water quality in regard to the Owenkillew Special Area of Conservation (SAC) as a package inclusive of the setting of discharge limits that is "one of improvement in SAC water quality terms, and this package is the only tangible solution being promoted by anyone which help restore favourable conditions within the SAC".

The above assertion is unarguable on the basis that the discharge of polluting materials being treated wastewater, whilst negating the impact of nutrient enrichment if the site were used for agricultural purposes, cannot reasonably be understood as a means to restore favourable status to the SAC. This is not the responsibility of the applicant and failures by statutory authorities concerning their duties to improve water quality cannot be a basis on which the discharge consents should be approved.

The applicant appears to be at odds with the statutory authority with responsibility for water quality in Northern Ireland, the Northern Ireland Environment Agency, regarding several issues and it is submitted that as the public body entrusted with specialist expertise in this area, their opinion should be deferred to. The applicant proposes to rely on a water treatment process that has not previously been used in Northern Ireland and therefore the feasibility of same to effectively mitigate against the discharge of pollutants can be given no confidence unless the NIEA can have confidence in same.

**(f) The Statement of Cases prepared by the DFI concerning the planning application LA10/2017/1249/F**

This Statement of Case makes reference to the fact that Golder, on behalf of the DFI, have carried out a detailed review of the mine waste management plan (MWMP) and have not identified any issues with the MWMP that would render it unacceptable for consideration at the Public Local Inquiry.

I would like to take this opportunity to highlight to the PAC as I have done so in previous correspondence and raised in the matter of an application by ██████████ ██████████ for leave to apply for judicial review [2021] NIQB 104 that whilst Golder has not been found to be materially biased in the work conducted for the DFI, they have on a previous occasion been employed by the applicant for the purposes of the applications under scrutiny. As such their contributions should be subject to the highest standard of review before the Public Local Inquiry.

Further, I would like to highlight the health and safety concerns raised in a report prepared by [REDACTED] regarding the Mine Waste Facility that should be taken into consideration.

**(g) The Statement of Case prepared on behalf of the applicant concerning the two applications (AIL 2024/0008 - DAERA and AIL 2024/0009 - DAERA) to abstract/impound water.**

This Statement of Case provides details on how the surface water and groundwater impact assessment processes were conducted, including the methodologies used and the data sources. It states that the models used for the site water balance were independently reviewed by Golder, who found the modelling approaches and conclusions acceptable. As above, there are concerns regarding the adequacy of an independent assessment conducted by Golder.

The Statement of Case further refers to proposed mitigation measures but may not provide sufficient detail on how these measures will be implemented and monitored over time.