

## Water Discharge – Dalradian SoC – Rebuttal

### Executive Summary

I lodge the attached Rebuttal to the Dalradian Gold Ltd TrC 080/20\_1 - DAERA (PAC Ref: 2021/WHR01) & TrC 081/20\_1 - DAERA (PAC Ref: 2021/WHR02) Rebuttal under the proviso that it be considered with all previous objections lodged regarding the same, and under some protest at the lack of a level playing field afforded to the local community and to local people in terms of public participation on this hugely important matter.

That we, as people in full-time employment, and with families and other responsibilities are given such a short window to attempt to sift through the deliberately mountainous volume of paperwork, undoubtedly designed to be as off-putting as possible, can in no way compare to the luxury afforded to the company who can afford to pay professionals to focus on specific aspects of the application and focus the entirety of their time to this issue. The horrific impact this company and this application has and continues to have on people's health and well-being, physical and mental, is seemingly being ratcheted up in the run up to the Public Inquiry.

That new information and new applications are being submitted by Dalradian, as part of this process, seems to run contrary and indeed in breach of normal planning process, and questions have to be asked about this also. It has been an impossible task to work through the volume of attachments and appendices presented, but all we can do is our best as this is what we need to for our very survival.

That this has come back to the people to contest and dissect and rebut is to the eternal shame of those governmental departments and statutory bodies charged with protecting our health, well-being and environment. The overwhelming evidence presented, in this instance by the NIEA, spells out in black and white on p.2, point 7 “Based on the information currently available, NIEA would not be in a position to approve the applications for consent to discharge that are currently under consideration, due to the identified potential for negative impact on the designated site.” This should be the death knell in the proposal before any Public Inquiry or any further discussion on the toxic planning application, but for reasons unknown this has not been the case. NIEA note that the “technical assessment of TC 81/20 application has identified significant potential issues with respect to flow volume at the Pollenroe discharge point (outfall 4). The applicant does not appear to have adequately considered the impacts of the proposed high-volume discharge at this point, in line with the relevant guidance” (8.3, p.24) and “the current assessment of the proposed applications finds that the likely impact on the receiving water body would be unacceptable in terms of the potential degradation of the habitat for a protected species, notably the FWPM” (8.4). Why then, do NIEA not refuse this application,

instead seemingly wishing to shirk their responsibility by either deferring back to Dalradian to come back with an alternative proposal, or implore the PAC to take over and make the decision (or make allowances for Dalradian's inabilities to meet even the basic environmental requirements). This reflects very poorly on NIEA and their role to date in enabling and allowing Dalradian to get to the stage they have gotten to in terms of this toxic project. Their lack of monitoring, and enforcement, is hugely questionable, given the severity of the risks to health and environment locally.

Further questions have to be raised in relation to the new information provided and included by Dalradian here – surely this constitutes a new addendum/application to their already mammoth proposal. And as such it should be subject to the same legalities and planning legislation as the rest of the application. To attempt to hide this in the midst of a Statement of Case on the eve of the Public Inquiry is disingenuous and legislatively questionable – this is undoubtedly something that the PAC will have to follow up with the relevant governmental departments to provide a judgment on.

p.37, Table 3 – Hugely concerning list of contaminants effectively being added to our protected waterways by Dalradian – Arsenic, Barium, Boron, Chromium (III), Chromium (VI – a known carcinogenic as anyone who is familiar with Erin Brockovich's work will attest to), Cobalt, Copper, Lead, Manganese, Mercury, Nickel, Selenium, Uranium & Zinc, to highlight a few of those noted. Indeed, a recurring theme of Erin Brockovich is that the nation has, for decades, in the name of profits over people, failed to undertake infrastructure improvements, enact tighter regulations, and adequately protect the health, safety and welfare of communities from long-term bodily harm and environmental damage – locally, this is something we in The Sperrins AONB relate to.

Given the danger and toxicity of the compounds being proposed for discharge into our environmentally sensitive and protected waterways, our drinking water and the water consumed by our animal and plant life, it is incumbent on those charged with protecting our health and our environment that these discharge applications be dismissed.

Reading through the quantities of discharge level, the history of monitoring and pollution discrepancies this company has been involved with even to date, the eagerness to remove certain toxins from monitoring, it is evident that Dalradian cannot be trusted to protect and preserve the priceless environment, ecology and biodiversity that The Sperrins AONB has to offer. The high level of toxicity of the compounds involved, the number of known carcinogens in an area which already has above average instances of cancers, and the risk to human (and plant & animal) health it is evidently not worth the risk. We must apply the Precautionary Principle for the health and well being of all living things in The Sperrins AONB, for our health now and for that of future generations, these discharge consents, as part of the entire toxic planning application, must be refused as completely unacceptable and incompatible with the environmentally sensitive area in which we live.

## Notes

p.3 “no deterioration in background water quality’ are proposed.” – not good enough, no deterioration is the minimal approach, the aim is improving quality, not maintaining it at an “unfavourable” condition.

**“The Applicant’s proposed approach to the setting of discharge limits is fully protective of the aquatic environment.”** – plainly this is untrue.

“The approach has regard to JNCC guidance and EQS, but **crucially it recognises the reality of the existing baseline position in terms of water quality and qualifying species populations**, with due regard had to the evidence base.” – seeking to excuse a continuation of an already “unfavourable” condition, this is unacceptable.

p.4 “The overall package is one of improvement in SAC water quality terms, and this package is the only tangible solution currently being promoted by anyone which can help restore favourable condition within the SAC.” – do they truly see themselves as saviours of the SAC, by pumping heavy metals, toxins and pollutants into it? Such arrogance in their our way or the highway approach.

p.6 1.8. Point 4) reads simply “;” seems to be missing – what has been omitted here?

1.9 “Appended to the Proposed Discharges TR is a Water Quality Baseline Report, dated October 2024. This document describes the relevant water quality baseline and presents a review of baseline conditions with reference to additional sampling data available since 2020. The additional baseline data provides more information on spatial changes across the catchments. A comparison is made between the new data and those presented in the Second addendum, with a discussion on any differences.” – what about the baseline prior to Dalradian coming here and commencing work in this area?

p.7 1.10 “By circa 1990, the site was closed and largely restored, but drainage from the workings continued in the subsequent decades to the receiving water courses unhindered and, it is understood, unmonitored” – impact of years of this “unhindered” and “unmonitored drainage”/discharge on the condition of the SAC?

p.7/8, 1.13 Dalradian claims a “minor increase” in discharge rate from 9.75L/s to a “maximum flow of up to 12.6 L/s and revised water quality criteria / limit values will need to reflect this.” It fails to note that this “minor increase” is an increase of almost 25% on the existing discharge rate.

They also require “A new consent enabling discharge into the Pollanroe Burn. This application was also submitted in April 2020, and requires a maximum discharge rate of 83.3 L/s.”

p.8 1.14 “The key component of the discharge applications are the sets of water quality discharge criteria that will govern the regulatory limits of the water permitted to be

discharged to the receiving environment.” – Surely Quality AND Quantity are the key components?

p.9 1.16 1) “Discussion and agreement with regulators with regards the methods to be used to calculate the criteria” – this is truly shocking and unbelievable, that those requesting the discharge consent have any say or input whatsoever in the acceptable parameters of those same limits to be used on site.

1.17 “Northern Ireland has no published technical guidance for the calculation of discharge consent values. Therefore, the approach developed for the Curraghinalt Project was based on discussions with regulators” – whilst concerning, this does not mean that those applying for consents can make up the rules for themselves when it comes to such important and environmentally impactful measures.

p.10, 1.21 “the position adopted by DAERA, is inconsistent with approaches by it in determining other discharge consent applications, has no grounding in the evidence and is simply not workable” – now turned on DAERA, and have the arrogance to dismiss those who disagree with them by telling us what we already know, the Dalradian proposal “is simply not workable” if we wish to protect our SAC, and our health and well-being.

p.11 2.4 “Insofar as matters concern water quality within the Owenkillew River and the Owenreagh River, it is clear that water quality has deteriorated over time and that it continues to deteriorate in the face of increased pressures from unregulated (or inappropriately regulated or managed) activities, notably farming...” and mineral exploration one might reasonably infer. Where are the records pre-Dalradian? What damage/pollution/deterioration have their activities caused to date? Cumulative impact.

p.12, 2.6 “Whilst in broad terms hydrological connectivity exists between the Application Site and this ASSI, discharges to water courses as part of the proposed surface water strategy could not impact water quality within the ASSI as all discharges would be relevant to points downstream of the designation.” Is this true?

2.9 “Atlantic Salmon are present within the Owenkillew River SAC and Owenreagh River (ASSI in part), indeed they are a qualifying interest features associated with both designations.”

p.13, 2.10 “Stock numbers show a downward trend across Northern Ireland, with a significant reduction in the number of returning (breeding) adults” – all the more reason to improve quality, not allow destructive extractive/exploitative industries operate here.

Contrary to points 2.11-2.13, the DfI Letter to PAC, 15<sup>th</sup> October 2024 records that “NIEA has advised that a Fisheries Report, carried out by Loughs Agency, in respect of the Curraghinalt Burn and the Pollanroe Burn, has identified the presence of salmonids in

both Burns. NIEA has noted that whilst the Applicant has classified these waterways as being of low ecological value, no specific survey work has been undertaken as part of the Applicant's Environmental Impact Assessment to determine if the waterways support fish and their range of habitat needs along the full length of each waterway. Furthermore, NIEA has advised that, in light of the identification of fish within the Pollanroe and Curraghinalt Burns, it is not possible to rule out likely significant effects of the proposal on other waterways including, the Unnamed Watercourse, Attagh Burn and the Glenealy Burn and any fish that these Burns may (or may not) support, without a detailed fisheries habitat assessment." Further evidence of Dalradian dishonesty.

As Dalradian have repeatedly demonstrated they cannot be trusted to tell the truth, especially when it may impact or impinge upon their planning application and desired outcomes. Why then, should anyone trust them to set the parameters for their own discharge permissions, or indeed place any trust that they will adhere to such consents even if approved? Indeed, historical evidence would suggest that instead they will seek to have such conditions removed as they make no attempt to/simply cannot comply with them.

p.18/19 3.9 3) "Because the Mine proposals will effectively re-circulate baseline water from the catchment, the water treatment process will not only be adding nothing, it will be cleaning the baseline. This is a baseline which has arisen due to failings in regulation and management outside of the control of the Applicant and has nothing to do with the Project proposals;" – are we supposed to take Dalradian's word on this? What has been their input since operating in this area?

6) "The Applicant's proposals in relation to the setting of discharge limits are part of the solution to the ongoing problem of failures to address water quality issues within the catchment, failures caused by others and not being addressed through regulation or management planning;" – disgustingly trying to paint themselves as ecological saviours?

p.20, 3.12 "the overall position of SAC favourable condition can only be reached where other sources (of nutrient enrichment for example) are addressed, something which is outside of the Applicant's control and for which the Applicant cannot be penalised through the consenting regime." Despite working in this area for over a decade, do Dalradian believe that all the ills of the SAC are to do with farming and nothing to do with them?

3.14 "nitrogen discharged by the Project. There will also be 'savings' in relation to Phosphorous, although to a lesser extent." So, discharge of both will persist.

p.21, 3.15 "a monitoring scheme is proposed" – Dalradian have failed to monitor their current site, how can they be trusted or believed to do so with full discharge consent?

p.23, 4.9 “The approach to the setting of discharge limits as advocated by DAERA / NIEA has little grounding in evidence, is ill-conceived and is unworkable.” Sounds very much like deflection by Dalradian, who have misled on the ecological value and presence of fish, including salmonoids in both the Curraghinalt Burn & Pollanroe Burn. Their input on ecological and environmental should be dismissed, as the 15<sup>th</sup> of October 2024 letter from DfI, and supported by the findings of the Loughs Agency & NIEA seems to suggest.

p.25 Kaya document proposes “to remove some parameters from the Discharge Consent”.

Worth noting that the author, Michael Stewart (Kaya) is not a medical doctor, but a hydrologist and professional consultant.

p.27, 2.2 A series of pre-application meetings (8 No.) were held with DAERA from December 2015 to June 2017.

p.28, 2.3 “Environmental Quality Standards (EQS), which were considered applicable in the main rivers and not small burns” – why not?

“Curraghinalt Burn and Pollanroe Burn were considered as low sensitivity watercourses, based on an assessment by ecologist that of no ecological value.” – incorrect.

No record of successful Judicial Review taken against Dept/Dalradian during this time?

p.29 – Golders input tainted due to conflict of interests, having worked for Dalradian previously.

2.5 “Survey data (Loughs Agency from June 2021 and Ricardo Consultants for the Applicant from June 2022) identified juvenile fish (trout) in the lower reaches of Pollanroe Burn. The surveys also identified a very low number of adult fish (trout) in the Curraghinalt Burn. Fish were not identified in these reaches as part of the baseline work for the EIA.” – why not?

p.30, 2.7 “An update of the discharge consent proposals has been made and is presented in this document in subsequent sections. They have been updated since 2020” – surely this detail constitutes a new application, and should be treated as such? To try and decipher this new application, whilst simultaneously writing a rebuttal against it would appear to be a breach of procedural practice. What message is being sent if this is accepted without question and without following the recognised process?

4. “A review of the parameters considered in the discharge consent is also made, with a proposal to remove parameters where geochemical test work has shown they are not present at elevated concentrations within mine water and/or where EQS are at or below laboratory Limits of Detection” – this is another prime example of Dalradian attempting to make up and re-write their own rules which they expect everyone to play along with.

p.31 “This is considered protective of adult fish” what about juvenile/breeding fish?

p. 32 Why have Dalradian decided to proceed with a “review of the Discharge Consent values we have considered whether these parameters should remain within any Discharge Consent. A review is undertaken in Section 5.1 with some parameters removed from the parameter list.” – how can they justify this, unless they cannot meet the basic requirements previously established/laid down as being the minimum acceptable? Who do they think they are fooling?

How is the “further commentary on correspondence received from DAERA in September 2024 has informed the approach is set out in the Statement of Case and Ecology TR” permitted if this is new evidence/information?

p.35 “Site-specific PNEC values for copper, manganese, nickel and zinc were calculated for the 2020 EIA and these values have been updated for this assessment based on a review of baseline water quality data, presented in the baseline review document, which supports this note.” Dalradian noting that they are moving the goalposts yet again as this process continues – have these “updates” been through the appropriate processes and procedures required for applications of this kind?

p.36 “Phosphorus (mean soluble reactive): 0.005 mg/L for rivers with baseline concentrations are <0.005mg/L. If rivers exceed this target, then use target values from JNCC (2016) for high altitude, low alkalinity rivers = mean annual average of 0.015mg/L. Maximum concentrations for phosphorus favourable condition in SAC/ASSI rivers in JNCC (2016) are 0.02mg/L. Given baseline conditions the JNCC (2016) maximum value is considered for this assessment.” – obvious attempt from Dalradian to push the permitted measurements from <0.005mc/L to 0.2mg/L (40 times more!).

p.37, Table 3 – Hugely concerning list of contaminants effectively being added to our protected waterways by Dalradian – Arsenic, Barium, Boron, Chromium (III), Chromium (VI – a known carcinogenic as anyone who is familiar with Erin Brockovich’s work will attest to), Cobalt, Copper, Lead, Manganese, Mercury, Nickel, Selenium, Uranium & Zinc, to highlight a few of those noted. Indeed, a recurring theme of Erin Brockovich is that the nation has, for decades, in the name of profits over people, failed to undertake infrastructure improvements, enact tighter regulations, and adequately protect the health, safety and welfare of communities from long-term bodily harm and environmental damage – locally, this is something we in The Sperrins AONB relate to.

p.39, 5.1 “Selected parameters (summarized in Section 5.1.1) are removed from the proposed Discharge Consent limits.” – What authority or permission do Dalradian have to remove these, surely, they do not get to decide which toxins are monitored and which are ignored as they have a problem regulating them/the readings don’t suit them?

5.1.1 “A review of all the parameters in the original Discharge Consent application was undertaken” – does this not constitute a new application? How has this been

submitted, has proper protocol been followed, or are Dalradian trying to pull a fast one here by circumventing standard procedure?

“Boron, chloride and fluoride...would have negligible impact on background concentrations, with no identified EQS for the protection of aquatic life in Northern Ireland.” – with the track record of the company in question to suggest that they be given carte blanche in terms of permissions to discharge any toxins without regulation is quite unbelievable and unacceptable.

p.40 “For these parameters above, regulating discharges from the mine to values so close to detection is not practical, as it is not possible for the laboratory to measure concentrations at the standard.” Unbelievable that they be so dismissive and flippant of these highly dangerous, carcinogenic toxins, in an area with above average occurrences of cancer in the population. Highlights yet again an attitude of superiority, that they can dictate what is/isn’t monitored, what regulations they do/do not have to follow, and the limits of their capabilities in terms of safety of/for the area, people and environment.

5.1.3 “Based on this review, it is proposed that the parameters outlined in previous sections are removed from the Discharge Consent. This will simplify the set of parameters to be assessed further and focus regulations on parameters with potential to impact downstream water quality.” – For this, read it will make life easier for Dalradian. Who calls the shots here? This is an outlandish claim and highlights again the arrogance of this company and their contempt not only for the local people and environment, but also for the regulatory and statutory bodies involved.

p.41, 5.2 “Consistent with the 2020 EIA different discharge consent values are proposed for the Proposed and Existing Infrastructure Sites” – this is a new application and must be treated as such.

“We are unaware of any discharge consents within Northern Ireland that actively accounts for immediate and direct exposure to fish” – does their lack of awareness mean that they can break/ignore consent and make up their own rules?

5.2.1 “The updated proposed...discharge criteria will have a range of both maximum criterion...together with annual criteria to be typically deployed such that average discharge concentrations meet the required criteria.” – Is this an attempt to circumvent the maximum criteria, by offering an alternative when this is exceeded by claiming that if it is not done over the duration of twelve months an average figure can be calculated to permit them to poison the local waterways and surrounds in question?

p.42, Table 5 – confusing notes here, BOD has now more than doubled since the 2020 addendum, Nitrate, Chloride & Fluoride requested to be removed from the consent (we’ve seen this company remove conditions on permits historically where they cannot

meet the requirements set forth), Phosphorous seemingly “None/-”, yet the Mean Criteria is noted as 0.02? How is this determined?

p.43, Table 6 – constitutes a new application. Can this be accepted as noted here? Surely there are rules surrounding how another new addendum to the planning application should be submitted, processed, etc? Does this meet those requirements?

Requested removal of Boron, Chromium (III), Chromium (VI), Selenium, Silver & Sodium – surely this cannot be approved, given the threat posed by these toxins? Again, it has to be argued that this is another new addendum/application and must be treated as such by the regulatory authorities and government departments.

p.44, 5.2.2 “As outlined in Section 3, annual average exposure limits are not needed for Curraghinalt Burn with respect to fish” – this claim is simply untrue. Limits, and monitoring, are essential for all the waterways involved.

Table 7 – new addendum without following due process, how can this be permissible. Noting again that Dalradian wish to remove multiple parameters for the discharge consent application and have increased parameters for BOD (more than doubled) and Phosphorous.

p.45, Table 8 – unbelievably (or not as the history of this company demonstrates), Dalradian now wish to REMOVE seven of the heavy metals from their discharge consent application (surely a new application required for this?) – including Aluminium, Boron, Chromium (III), Chromium (VI), Selenium, Silver & Sodium. Other details include increased discharge levels for Copper (over 25 times more than the 2020 addendum), Iron, Manganese & Zinc. These changes alone should be enough to dismiss this application out of hand.

p.46, 6 Monte Carlo modelling is a probabilistic model that by its very nature includes an element of uncertainty or randomness in its prediction.

“Both discharges [to Pollanroe & Curraghinalt] are not predicted to occur at the same time.” – consequences of this have not been weighed up. Replicated on p.51

p.47, Dalradian acknowledge “For mercury the new downstream concentration in the Owenreagh is higher than in the 2020 EIA”.

“As a result, the increase in concentrations in the new calculations reflects the change in baseline and not the impact of the mine discharge...there is no significant impact of the mine predicted for mercury concentrations” – is this the cumulative impact of the drilling of hundreds of boreholes over the years in this area? If this is the impact of the exploration stage, we cannot afford to permit this to move to exploitation.

p.48, Table 9 – incorrect statement RE: Cobalt, “Discharge at maximum mine water concentration (0.0081mg/L), which is below the proposed discharge consent value of 0.0015mg/L (Max) and 0.003mg/L (Mean)” Surely 0.0081mg/L is **greater** than

0.0015mg/L? Repeated in Table 12, p.53. Per the International Agency for Research on Cancer (IARC), cobalt metal is "probably carcinogenic to humans"

p.49, Table 10 shows an increase in concentration of the vast majority of parameters for the new submission, which were an increase on previous figures as noted. This is repeated on the subsequent Tables 11, 13-14 (pp. p.50, 54-55). Where is the official addendum submission with associated departmental/legislative scrutiny? Also, this is notably, and quite deliberately only identifying the increase from the previous addendum, and not noting the specific values, some of which, (e.g. Lead) are already dangerously above WHO guidance.

p.51, 7 "if lower than the discharge consent values, i.e., the mine water is expected to meet discharge consent values even before treatment." – this is clearly just wishful thinking by Dalradian and should not be taken seriously or given any credence.

"As almost all mercury field samples record 28 of 38 concentrations below detection, the detection limit effectively controls the average concentration." Almost all does not equal all, therefore this conclusion is a bit of a jump at best, and deliberate, dangerous neglect at worst.

p.52 "As a result, the increase in concentrations in the new calculations reflects the change in baseline and not the impact of the mine discharge." This is a ridiculous claim, aimed solely at trying to convince the reader that these toxic proposals will somehow not only not impact, but actually benefit the protected, designated waterways here.

p.57, 8.1, Table 15b highlights again another contradiction in the figures presented by Dalradian. They claim that their new application (which hasn't been submitted/processed through the proper process) is reducing from 20µg/L Chromium (III) and 10µg/L Chromium (VI) to "NONE", however the very next line contends that the combined figure requested for Chromium (III) & Chromium (VI) is 30µg/L maximum, with this convoluted/get out of jail "mean" figure of 8.1µg/L – how are we to take this company or their projections seriously when they persistently undermine even their own basic information? Or is this another attempt to try to sneak consent through by bamboozling the reader with contradictory measurements at all stages so as to create confusion over what has actually been applied for/permitted?

This same trick is applied at 8.2, Table 16b (p.58), this time reducing from 40µg/L Chromium (III) and 10 µg/L Chromium (VI) to "NONE", however the very next line contends that the combined figure requested for Chromium (III) & Chromium (VI) is 50µg/L maximum.

In Table 15b it's the copper consent which has skyrocketed with the new application, in this table it's Iron, Manganese and indeed Zinc, which has nearly doubled.

p.60, Table A1.1 seems to show massive increases across the board in terms of the EQS and the new/Calculated Discharge Consent Value – this is a most shocking read, with the majority increasing 3-5-fold (x8 for silver)!?

p.61, Table A1.2 is even worse again, with many of the upper limits noted over 17-22 times the EQS limits noted, with one (Total Ammonia) Discharge Consent Value weighing in at 60.5 times more than the EQS – shocking and awful, this has to be refused.

p.63/43, NIEA letter, point 4 “You will note that in line with the requirements of the 2015 regulations, we are seeking to set standards which ensure that EQS for priority substances (where published) is not exceeded in these smaller water courses.” – this detail would reinforce that the figures presented by Dalradian are not acceptable and therefore this toxic proposal must be dismissed.

p.64, Point 6, NIEA note that Dutch (for barium), Canadian and US standards requested to be used as alternatives by Dalradian “have not been widely adopted by other European Agencies or been subject to the same level of scrutiny and consultations process, prior to adoption, that the published EQS’s have and therefore their applicability to this context is not demonstrated”.

Point 9, “Chromium (III), (IV) [presumably VI?] and silver have also been removed due to the limit of detection. Table 5 shows the ‘in river’ standards relative to the limit of detection for the NIEA laboratory. There appears to be an order of magnitude difference which should not limit assessment. We have therefore continued to include standards for these in the attached tables. Once end of pipe standards are calculated we may revisit this aspect.” – A lack of ability or resource to monitor these toxic substances should merit investment in appropriate equipment which can do the job, not just permitting these toxic substances be discharged into our waterways unregulated. Shamolic approach by Dalradian yet again highlighting their disregard for our local area, environment and surrounding biodiversity and ecology.

p.65, Points 11-12 – sewage effluent which Dalradian has attempted to disguise/hide.

Point 13, various chemicals to be used on site “including sodium hypochlorite, citric acid, descalant, sulphuric acid, sodium hydroxide, sodium bisulphite and flocculants” are notable by their absence, NIEA keen to follow up on detail relating to these.

p. 66, Table 1

(a) Phosphorus here annual mean soluble reactive phosphorous (SRP) levels are <5ug/l the target should be <5ug/l. For rivers that exceed this target a suggested target is the more stringent value of either a high ecological status\* values for SRP under the WFD or the SRP target for the CS river habitat\*\* High Ecological status value for WFD; class boundary high to good calculated at 15ug/l for the Owenkillew at Drumlea and 17 ug/l at

Trinamadden Bridge.

(b) Nitrogen-nitrate Annual median value of <0.125 mg/l

(c) BOD Mean BOD <1.0 mg/l

Exceeded in Dalradian's own figures/predictions.

p. 67, Point 4 "Where there are no relevant published standards, maintenance of the existing water quality i.e. no deterioration, is the relevant standard." Rather than standard surely this is the bare minimum, with the hope being restoration/improvement rather than stagnation.

p.68, Table 4: Upstream water quality for CB and PB – noted with the caveat that the data provided here is Dalradian's own, and not from an independent or verified source, so should be treated as questionable at best.

p.69 "The Conservation objectives impose a requirement to maintain or restore [the water quality] to reach favourable condition. Whilst this applies specifically to the area of the SAC, given the 'functional linkage' established by the fish survey, these standards **may** apply to other areas of river system, where selection features for the SAC may be present." Surely there is no "may" about this, as the waterways are hydrologically linked then this **MUST** apply to all other areas of the river system.

p.69/70, Table 5 – concern raised by the last column, 'Limit of detection (NIEA lab.)', particularly those noted with figures above the previous column, 'Value CB/PB' and indeed those noted as 'TBC'

p.71/72, 1.4 – Dalradian throwing the toys out of the pram as they are seemingly being advised by the NIEA that their toxic proposals are unworkable, especially within an environmentally sensitive/protected environment.

1.7 Here Dalradian attempt to ride roughshod over the advice given by NIEA by refusing to comply, instead telling them how they will carry out discharge of toxins to suit themselves.

p.73, 1.9 The entirely appropriate and logical, in keeping with the WFD and other specific environmental legislation, and mindful of the environmentally sensitive setting, guidance from NIEA that "no increase from upstream baseline' for any not caught by JNCC or EQS" seems to sound alarm bells for Dalradian, who seemingly cannot deal with being alerted to concerns around their toxic proposals.

1.11 "It is correct that the Applicant has sought to remove some parameters from regulation through the discharge consenting process." This is part and parcel of the Dalradian modus operandi, when viewed historically, as they have throughout the planning application and process sought to remove environmental conditions which they breached or could not/would not meet. The flippancy with which they undertake their health and environmental responsibilities when dealing with these toxins and

heavy metals is obvious – “rainwater for example contains sodium”. How can this company be trusted to safeguard such an environmentally sensitive area if this is the pervasive attitude seeping through in official, recorded documentation?

p.74, 1.12 here Dalradian are attempting to put words in the mouth of NIEA. Where NIEA state that “We have therefore continued to include standards for these in the attached tables”, Dalradian reads this, “NIEA consider that detection limits are not an issue for these elements”. Where is this leap in interpretation coming from?

This confusion, deliberate misinterpretation continues nonsensically onto 1.13.

1.15 Dalradian here are complaining about “the enforcement limit,” presumably because they have been enabled by the Departments and statutory bodies to do as they wish unrestricted and unpunished for the decade plus that they have been polluting our area. The fact that now, under the harsh light of the public inquiry that they long called for, their plans are slipping from their grasp to the lack of workability in any meaningful sustainable, health wise or environmentally appropriate way.

p.75, 1.16-1/17, Dalradian here don’t wish to provide detail requested by NIEA claiming a completely different governmental department (DfI) “concluded that an HSC was not required”. NIEA operate under DAERA, surely if they believe such evidence is warranted then Dalradian is obliged to provide it, regardless of their red herring surrounding the temporary removal of cyanide from their planning application, despite retaining the processing plant element of same.

p.76, 1.21-1.22, Dalradian now don’t want to see a phosphorus level committed to which would safeguard the local and environmentally sensitive waterways, nor the interconnectedness and natural flow from one river/tributary to another. Rather they want to push the maximum as far as possible, despite their ludicrous and repeated claim that “that increased levels of Phosphorous do not have a toxicity effect...positively concluded not to be an issue for the SAC Freshwater Pearl Mussel population”. Outrageous, and they know it.

1.24 attempts to completely dismiss the fact noted by NIEA that “Standards to protect Salmon apply to the lower reaches of the Curraghinalt Burn and to the Pollenroe Burn where Salmon have been identified, habitat suited to salmonid fish has been identified and the functional links between this habitat and that within the SAC has been established.” Indeed points 1.24, 1.25, 1.26, 1.27, 1.29, 1.31 seem to be reminiscent of a petulant child stomping their feet shouting “No, no, no!” after having it explained to them why they can’t just make up their own rules and do their own thing completely unsupervised.

p.77, As a local to the area, 1.27 is particularly concerning and questionable – how anyone could claim that “the Pollanroe Burn does not meet the criteria of a headwater” and surely this needs to be re-evaluated and clarified. If true it exposes terrible neglect

from NED, and a dereliction of duty, but then much of those process seems to be a dereliction of duty and washing of hands from numerous governmental agencies, departments and statutory bodies – despite all the knowledge accumulated and submissions and evidence gathered, they have all committed to kicking this toxic timebomb down the road, claiming to remain neutral whilst proactively attempting to find ways to circumvent the planning process or claim ‘mitigation’ for this toxic industry. The fact that, ultimately, this has fallen on the shoulders of the local community, people and families whose lives have been consumed by this toxic threat for more than a decade, who have suffered mental and physical health problems, social and relationship issues, and yet who persevere against the odds because they know what they’re doing is important to protect our air, our land, our water, our environment and our health – now and for generations to come. It is necessary and it is right, and we shall overcome.

p.78, 1.30-1.31, on the contrary to Dalradian’s point here, the Water Frameworks Directive, and indeed the recently established Office for Environmental Protection identifies three areas where action should be prioritised, they are 1) Reduce pollution by nutrients from farming and sewage; 2) Change land use to restore habitats & 3) Reduce material and ecological footprints. “Most semi-natural habitats have been destroyed or become fragmented by land use change. A focus on restoration and nature-positive land use change is essential” – this would directly correlate with working on doing more than simply maintaining the existing standard(s). The desperate claim that “This approach is not logical and cannot be taken forward in a practical manner” shows a company incapable and unwilling to work towards best practice (when they don’t get to define what ‘best practice’ actually entails). They continue to ignore/disregard the impact their operations and the cumulative impact of exploration has had on the environmentally sensitive receptors, and again highlight the inability of their operation to proceed should proper environmental protections be put in place. Of course, regardless of whatever compliances are put to this company, and this industry, there’s always the risk that they will be breached, and adhering to the Precautionary Principle this is an unacceptable risk not worth taking.

p.79, 1.32-1.36 is another example of Dalradian histrionics at the dawning realisation that their toxic proposal is unworkable here. 1.33 “This approach is misguided and cannot practically be implemented”. By their own admission they acknowledge the folly of their plan, and the reality that dumping toxins, chemicals and heavy metals into a protected waterway will not, as they have tried to insist, improve water quality, but will in fact breach every parameter and wreak environmental, biodiversity and health havoc.

The drama and hissy fits continue on p.80, through points 1.37-1.39, where Dalradian are wilfully ignorant of the expert guidance of the Loughs Agency, professing themselves to be the experts on aquatic life in the area – which everyone locally knows is a fanciful

notion. Dalradian don't want to acknowledge the presence of Atlantic Salmon, FWPM or other protected and endangered species as it doesn't follow their narrative, and it throws a spanner in the works for their destructive plans.

1.40, The dismissive and irate tone continues "impacts being temporary and reversible", yet again demonstrating a total lack of awareness of the seriousness of even a minor change to the habitat of the aquatic life and biodiversity of this environmentally sensitive and protected area. Once the damage has been done to the FWPM they are gone, there is no "temporary" or "reversible" measure to rectify that. As Ireland's only globally endangered species they deserve the highest level of protection, something Dalradian seem both unwilling and unable to guarantee. Even the flaws in their planned 'mitigation' process are noted, "the water treatment process (which includes the RO plant) will screen out almost all TSS" – almost all is not all.

1.41-1.42 (p.81-82) seems to wish to refuse that waterways are connected, and that when toxins are discharged into one, they logically continue to flow into the next. This is to attempt to deny basic levels of geographical, environmental and even common knowledge. They reference "that all water users in these catchments would not be allowed to discharge", do they have detail or information on anyone currently discharged into these catchments, other than themselves?

p.81 1.43 here Dalradian's author seems to just have gone off on one, rambling incoherently about the salting of roads when supposedly discussing the topic of discharge of Chloride. They begin with an outrageous claim that no matter how much Chloride is added to these environmentally sensitive waterways it would "have no adverse effect on the aquatic environment." This staggering claim is topped off with the inane drivel about the "serious repercussions for the winter salting of roads" – I wonder if this author is aware how many times the gritter passes by the Mullydoo Road or the area surrounding the site of the planning application?

1.44, by this stage it seems that Dalradian's author has just given up in a fit of rage, incredulity and stopping of feet they just want to shout, "I'm right, you're wrong, listen to me and let me have my way to do what I want!" As if the consequences of a refusal of permissions could somehow even compare to the loss, we'll all face (environment, biodiversity, ecology, health, agriculture, social, economic, cultural, historic, linguistic, community) should these toxic plans proceed.

p.82, 1.45, The document concludes with the statement that "NIEA's position...is... unworkable." I would contend that, if the minimum environmental standards are "unworkable" then that confirms we have long believed, that the entirety of this toxic proposal is "unworkable", and it must be refused.

Author: [REDACTED]

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