

Northern Ireland Environment Agency
Resource Efficiency Division



Department of
**Agriculture, Environment
and Rural Affairs**

An Roinn

**Talmhaíochta, Comhshaoil
agus Gnóthaí Tuaithe**

Department of

**Fairmin, Environment
an' Kintra Matthers**

www.daera-ni.gov.uk

Your reference
Our reference AIL 2024/0003 and
AIL/2024/0004

Chief Commissioner
Planning/Water Appeals Commission
Park House
89-91 Great Victoria Street
Belfast
BT2 7AG

NIEA
17 Antrim Road
Tonagh
Lisburn
BT28 3AL
Telephone: 028 92623 166

2nd May 2024

Email:

waterregulationcorrespondence@daera-ni.gov.uk

Dear Chief Commissioner

DALRADIAN GOLD - PUBLIC LOCAL INQUIRY IN ACCORDANCE WITH THE WATER ABSTRACTION AND IMPOUNDMENT (LICENSING) REGULATIONS (NI) 2006.

Under Regulation 17 of the Abstraction and Impoundment Regulations 2006, the Department directs the Appeals Commission to hold a public local inquiry to consider representations made in respect of applications for Abstraction and Impoundment licences at the proposed Curraghinalt Mine, adjacent to 80 Mullydoo Road, Greencastle, County Tyrone, BT797QP.

The Department directs the Appeals Commission to hold a public local inquiry on the following two applications:

NIEA Ref: **AIL-2024-0003.**
Applicant: Dalradian Gold.

Location: Curraghinalt Mine, Teebane West, near Greencastle, County Tyrone.

Proposal: The abstraction and impoundment of surface water associated with a proposed underground mine and surface developments, currently under consideration by DfI Planning. Planning reference LA10/2017/1249/F.

Sustainability at the heart of a living, working, active landscape valued by everyone.

If you are deaf or have a hearing difficulty you can contact the Department via the Next Generation Text Relay Service by dialling 18001 + telephone number.

INVESTORS IN PEOPLE®
We invest in people Standard

NIEA Ref: AIL-2024-0004.
Applicant: Dalradian Gold.
Location: Curraghinalt Mine, Teebane West, near Greencastle, County Tyrone.

Proposal: The abstraction and impoundment of groundwater from a proposed underground mine, currently under consideration by DfI Planning. Planning reference LA10/2017/1249/F.

Yours sincerely



Director Resource Efficiency Division
Northern Ireland Environment Agency

Sustainability at the heart of a living, working, active landscape valued by everyone.

If you are deaf or have a hearing difficulty you can contact the Department via the Next Generation Text Relay Service by dialling 18001 + telephone number.

INVESTORS IN PEOPLE[®]
We invest in people Standard

Submission

FROM: (SO or above)	██████████
BRANCH:	Chief Executive, NIEA
CONTACT:	██████████
DATE	1 st May2024
TO:	██████████ MLA Minister of Agriculture, Environment and Rural Affairs
SUB-1308-2024 – DALRADIAN GOLDMINE ABSTRACTION AND IMPOUNDMENT LICENCE APPLICATIONS REQUEST TO REFER TO THE APPEALS COMMISSION AND REPLY TO APPEALS COMMISSION.	
SUMMARY	
Issue:	<p>As previously briefed, two new applications have been received and deemed complete for the proposed abstraction activities at the proposed Curraghinalt Gold Mine. The Department is seeking approval to engage Regulation 17 of the Abstraction and Impoundment Regulations 2006 and direct the Appeals Commission to hold a Public Local Inquiry for the purpose of considering representations on the two new applications and, preferably, to conjoin these applications with the current Public Inquiry proceedings.</p> <p>This decision will be included in the reply to the Appeals Commission Letter seeking DAERA's intentions.</p>
Timing:	<input type="checkbox"/> Routine <input type="checkbox"/> Urgent <input checked="" type="checkbox"/> Desk Immediate <p>The correspondence from the Water Appeals Commission is public and may attract significant media, stakeholder and political interest.</p>
Financial Implications:*	None known at this stage
Chief Scientific Adviser's consideration:	Not applicable
Windsor Framework Implementation consideration:	Not applicable
Legislation Implications:	To be confirmed
FOI Implications:	As the submission contains legal advice, those aspects of the submission will be subject to the protection of legal privilege.
Equality & Rural Needs Implications:	None
Executive Referral:	Not applicable
Presentation Issues:	There is significant public, media and political interest in this issue.

Date Draft Press Release cleared by Press Office:	N/A
Recommendation:	<p>A) That you note the contents of this briefing</p> <p>B) That you approve my recommendation that the Department should direct the Appeals Commission to hold a Public Local Inquiry on the 2 new Abstraction applications and request that it consider that these should be conjoined with the other applications.</p> <p>C) That you approve the direction letter to the Commission at ANNEX A</p> <p>D) That you approve the reply letter to the Commission at ANNEX B.</p> <p>E) That you note the draft lines to take ANNEX C</p>

INTRODUCTION

1. You have been briefed on this matter previously SUB 1277 2024, SUB 1283 2024, a further submission including a proposed draft written Ministerial statement and a Sub, sent on 26 April 2024, setting out a draft letter to the AERA Committee. The letter to the AERA Committee was issued 26/04/24 and a written Ministerial Statement was laid in the Assembly on 29/04/24 with associated letters issued.
2. This submission is directly linked to SUB 1291-2024 Correspondence from WAC 25th April 2024

BACKGROUND

3. Two new applications were submitted to NIEA on 24th April 2024 and deemed complete on 29th April 2024. On the 29th April 2024 the Applicant was instructed to advertise and the new applications are now published on the DAERA website for public viewing.
4. Regulation 17 of the Abstraction and Impoundment Regulations 2006 states:

Reg17(1): For the purpose of considering representation made under regulation 9, the Department may direct the Appeals Commission to hold a public local inquiry.
5. The proposed mine is a highly contentious proposal and has generated over 40,000 planning consultation responses. NIEA received over 400 responses in relation to the Applications for Consent to discharge and 156 in regard to the original November 2020 Abstraction applications.
6. The proposed abstraction and impoundment and discharge consent activities are inextricably linked and should be considered together. The activities proposed are essential elements of the overall planning proposal.
7. In order to afford the public the full opportunity to engage on the complete project, it is therefore advised that the Department direct the Appeals Commission to hold a Public Local Inquiry under Regulation 17 of the Abstraction and Impoundment regulations (2006) If the applications are not directed to the Appeals Commission, the Public will not be given the opportunity to provide their responses to the abstraction proposals during the Inquiry

which are considered to be a critical element of the mine proposal.. The Department is seeking your approval for this approach.

8. The new applications have been processed in line with the standard application processes, however a degree of urgency has been applied to them in recognition of the implications that delay may further affect the con-joined public inquiry.
9. The consultation responses received in December 2020 and January 2021 will also be considered in the determination of the new applications. The public accessing the new applications have been provided with links for both of the deemed refused applications alongside the new applications. A statement has been included on the DAERA webpage for Abstraction and Impoundment Licence: Advertisement Requirements that the previous responses will be considered and that there is new additional information to comment on.
10. The Appeals Commission has written to NIEA asking for clear direction on how to proceed with the Public Local Inquiry in light of the removal of the original abstraction applications. With your approval, I propose that NIEA directs the Appeals Commission again on the new applications and issue the draft direction letter attached in **ANNEX A**. In addition I propose to respond to the Appeals Commission highlighting the Department's direction to the Appeals Commission, with draft letter attached at **ANNEX B**
11. The Abstraction and impoundment Regulations (2006), enable the Department to direct the Appeals Commission to hold a Public Local Inquiry. They do not however make specific provision for applications to be considered as part of a conjoined Inquiry. This will be a matter for the Appeals Commission.

LEGAL ADVICE

[REDACTED]

[REDACTED]

ADVICE

14. Having considered all of the evidence, the requirements of the relevant legislation and the legal advice received, it is my recommendation that it is in the public interest that the two new Abstraction and Impoundment Licence Applications are directed to the Appeals commission to consider representations under Regulation 17 (1) of the Abstraction and Impoundment Licensing Regulations 2006.

RECOMMENDATION

15. That you note the contents of this briefing
16. That you approve my recommendation that the Department should direct the Appeals Commission to hold a Public Local Inquiry on the 2 new Abstraction applications and request that it consider that these should be conjoined with the other applications.
17. That you approve the direction letter to the Commission at **ANNEX A**
18. That you approve the reply letter to the Commission at **ANNEX B**.

19. That you note the draft lines to take **ANNEX C**

Name: [REDACTED]

Branch: NIEA

Contact Details: [REDACTED]

ATTACHMENTS

ANNEX A: Draft Reply to the Appeals Commission

ANNEX B: Draft Lines to Take

ANNEX C: Legal Advice

CC List:

- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]

ANNEX A

**Northern Ireland Environment Agency
Resource Efficiency Division**

**Your reference
Our reference AIL 2024/0003 and
AIL/2024/0004**

Chief Commissioner

Planning/Water Appeals Commission

Park House

89-91 Great Victoria Street

Belfast

1st May 2024



Department of
**Agriculture, Environment
and Rural Affairs**

An Roinn

**Talmhaíochta, Comhshaoil
agus Gnóthaí Tuaithe**

Department o'

**Fairmin, Environment
an' Kintra Matthers**

www.daera-ni.gov.uk

NIEA
17 Antrim Road
Tonagh
Lisburn
BT28 3AL
Telephone: 028 92623 166

Email:

Water RegulationCorrespondence@daera-ni.gov.uk

Dear Chief Commissioner

DALRADIAN GOLD - PUBLIC LOCAL INQUIRY IN ACCORDANCE WITH THE WATER ABSTRACTION AND IMPOUNDMENT (LICENSING) REGULATIONS (NI) 2006.

Under Regulation 17 of the Abstraction and Impoundment Regulations 2006, the Department directs the Appeals Commission to hold a public local inquiry to consider representations made in respect of applications for Abstraction and Impoundment licences at the proposed Curraghinalt Mine, adjacent to 80 Mullydoo Road, Greencastle, County Tyrone, BT797QP.

The Department directs the Appeals Commission to hold a public local inquiry on the following two applications:

NIEA Ref: **AIL-2024-0003.**

Applicant: Dalradian Gold.

Location: Curraghinalt Mine, Teebane West, near Greencastle, County Tyrone.

Proposal: The abstraction and impoundment of surface water associated with a proposed underground mine and surface developments, currently under consideration by DfI Planning. Planning reference LA10/2017/1249/F.

NIEA Ref: AIL-2024-0004.

Applicant: Dalradian Gold.

Location: Curraghinalt Mine, Teebane West, near Greencastle, County Tyrone.

Proposal: The abstraction and impoundment of groundwater from a proposed underground mine, currently under consideration by DfI Planning. Planning reference LA10/2017/1249/F.

Yours sincerely



**Director Resource Efficiency Division
Northern Ireland Environment Agency**

ANNEX B

Your Reference: 2021/WHR03 – WHR04

Our reference: AIL/20200105, AIL/2020/0106, TC80/20
and TC 81/20

NIEA Lisburn
17 Antrim Road
Tonagh
Lisburn
Co. Antrim
BT28 3AL

██████████
Programme Officer

4th Floor
92 Ann Street
Belfast
BT1 3HH

Telephone: 028 XXXXXX

Email: ██████████@daera-ni.gov.uk

Dalradian.CPI@pacni.gov.uk

1st May 2024.

Dear ██████████

Dalradian Gold Mine: applications for Consent to discharge and Abstraction/impoundment.

I write in response to your letter of 25th April 2024 in respect of the two abstraction licence applications (AIL /2020/0105 and AIL/2020/0106) and two consent to discharge applications (TC 80/20 and TC 81/20) for the proposed Dalradian Gold Mine.

The applicant has submitted two new applications for Abstraction and Impoundment on 24th April 2024. NIEA deemed these applications complete on the 29th April 2024 and these have been advertised on the Department's website and in the local press.

Accordingly, the statutory obligations have been met and the applications have also today been referred by the Department to the Appeals Commission for representations to be heard before a Public Local Inquiry.

The Department sees no reason why the new applications cannot form part of the conjoined public local inquiry, as:

1. Until the 25th April, all parties and objectors were proceeding on that basis.
2. Now that there has been a referral of the new applications to the commission, there is no difficulty in setting a timetable for those applications which enable them to catch up with the timetable as already set out for the conjoined Inquiry.
3. The PAC can now decide the statements of case for those applications should be required, by 14th June, with rebuttals by 17th July, thus giving objectors and representees more time than they had under the previous applications.
4. There is no possible prejudice because the applications are the same and all supporting material has been consulted on and in the public domain since 17th Nov 2020. Since then, there has been further correspondence seeking clarification and this is also now in the public domain.

It is therefore appropriate for the PAC to direct:

- a. Statements of case for these applications by 14th June
- b. Rebuttals by 17th July and;
- c. that the application will be conjoined with the existing Inquiry.

This is clearly in everyone's interest and ensures only one Inquiry which covers everything in relation to the mine proposal, overcomes the jurisdictional and procedural issues recently raised and ensures the Department is informed on public representation to these applications.

If the PAC is not prepared to adopt this approach, the Inquiry should go ahead as planned and the Department will seek a rapid hearing of the referral on the new applications to immediately follow. It is however difficult to see how the PAC can make recommendations on planning and discharge matters without knowing about abstraction issues.

The Department is aware of correspondence from Fermanagh and Omagh district council of the 19th April 2024 and will address the issues in this in due course, however, we do not accept that there is any basis to adjourn the conjoined inquiry even if the new applications do not catch up with it.

Yours sincerely,



Director Resource Efficiency Division
Northern Ireland Environment Agency

ANNEX C : Draft Lines to Take

1. NIEA officials are cooperating fully with the Inquiry and seeking to respond to all correspondence and requests for information within the time limits set.
2. Due to a procedural issue, the Abstraction applications have been deemed refused and therefore, the Department had no authority to direct the PAC to consider the representations received in response to these applications.
3. Two new applications have been received from Dalradian Gold on the 24th April 2024. These applications are published on the DAERA website at [Applications for Abstraction and Impoundment Advertisement Requirement | Department of Agriculture, Environment and Rural Affairs \(daera-ni.gov.uk\)](https://www.daera-ni.gov.uk/abstraction-and-impoundment-advertisement-requirement)
4. On 29th April 2024, NIEA directed the Applicant to advertise under Regulation 9 of the Abstraction and Impoundment Licensing Regulations 2006.
5. Given the level of public interest in the proposals and the environmental sensitivity of the location, the Department is moving to direct the Appeals Commission again to consider the representations made on the new applications.
6. NIEA can confirm the new AIL Applications are the same as the previous applications (AIL2020/0105 and AIL 2020/0106), however additional information has been provided which relates to further clarification provided by the Applicant during the technical processing of the previous applications.
7. The representations previously made in relation to applications AIL2020/0105 and AIL 2020/0106 will be made available to the Appeals Commission, in addition to any new representations.

Annex D: LEGAL ADVICE

[Redacted text block]

[Redacted text block]

[Redacted text block]

[Redacted text block]

[Redacted text block]

[Redacted text block]

[Redacted text block]

Northern Ireland Environment Agency
Resource Efficiency Division



Department of
**Agriculture, Environment
and Rural Affairs**

An Roinn

**Talmhaíochta, Comhshaoil
agus Gnóthaí Tuaithe**

Department of

**Fairmin, Environment
an' Kintra Matthers**

www.daera-ni.gov.uk

Your reference
Our reference AIL 2024/0003 and
AIL/2024/0004

Dalradian Gold Ltd

██████████
3 Killybrack Road
Omagh
BT797DG

████████████████████

NIEA
17 Antrim Road
Tonagh
Lisburn
BT28 3AL
Telephone: 028 92623 166
Email:

2nd May 2024

waterregulationcorrespondence@daera-ni.gov.uk

Dear ██████████

DALRADIAN GOLD - PUBLIC LOCAL INQUIRY IN ACCORDANCE WITH THE WATER ABSTRACTION AND IMPOUNDMENT (LICENSING) REGULATIONS (NI) 2006.

Under Regulation 17(1) of the Abstraction and Impoundment (Licensing) Regulations (NI)2006, the Department has directed the Appeals Commission to hold a public local inquiry to consider representations made in respect of Abstraction and Impoundment proposals at the proposed Curraghinalt Mine, adjacent to 80 Mullydoo Road, Greencastle, County Tyrone, BT797QP.

The Department has directed the Appeals Commission to hold a public local inquiry on the following two applications:

NIEA Ref: **AIL-2024-0003.**
Applicant: Dalradian Gold.

Location: Curraghinalt Mine, Teebane West, near Greencastle, County Tyrone.

Proposal: The abstraction and impoundment of surface water associated with a proposed underground mine and surface developments, currently under consideration by DfI Planning. Planning reference LA10/2017/1249/F.

Sustainability at the heart of a living, working, active landscape valued by everyone.

If you are deaf or have a hearing difficulty you can contact the Department via the Next Generation Text Relay Service by dialling 18001 + telephone number.

INVESTORS IN PEOPLE®
We invest in people Standard

NIEA Ref: AIL-2024-0004.
Applicant: Dalradian Gold.
Location: Curraghinalt Mine, Teebane West, near Greencastle, County Tyrone.

Proposal: The abstraction and impoundment of groundwater from a proposed underground mine, currently under consideration by DfI Planning. Planning reference LA10/2017/1249/F.

In accordance with Regulation 17(2) of the 2006 Regulations I hereby give notice of the Department's Direction to hold a public local inquiry.

Yours sincerely



Director Resource Efficiency Division
Northern Ireland Environment Agency

Sustainability at the heart of a living, working, active landscape valued by everyone.

If you are deaf or have a hearing difficulty you can contact the Department via the Next Generation Text Relay Service by dialling 18001 + telephone number.

INVESTORS IN PEOPLE®
We invest in people Standard