

Reference Number: DAERA/26-758

Request Details:

Provision of discharge consent limits to the Public Local Inquiry (Dalradian gold)



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

Northern Ireland Environment Agency

Water Regulation and Enforcement
Division

[Redacted]

By email to:

Water Regulation

17 Antrim Road

Lisburn

[Redacted]

BT28

E-mail:

waterregulationcorrespondence@daera-ni.gov.uk

27 October 2026

[Redacted]

Environmental Information Regulations 2004

I refer to your request for information received by the Department on 30 September 2026 that sought the following information:

Please provide the following recorded information. Where a request refers to a person, the role or team is sufficient. Requests about the model itself, the nature of the flaw, and whether other discharge consents are affected are made in a separate, narrower request of the same date, and are not repeated here.

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- (a) **The decision not to provide limits.** The record of the decision that NIEA could not provide discharge consent limits, including whether the standards and assessments it previously provided, among them the updated assessments provided to the Commission in August 2025, are now withdrawn or remain valid: who took the decision, when, and on what basis; and every communication of that decision to the Department, the Commission, the applicant or the Loughs Agency.
- (b) **The baseline and flows.** Records showing whether the reason for the flaw affects the baseline parameters for the Curraghinalt Burn, Pollanroe Burn, Owenreagh River or Owenkillew River, including water quality and flows, and if so which parameters and how; whether it affects the baseline values the applicant relies on (Kaya, December 2025, Table 4-2); whether that data is NIEA's own or the applicant's; and any assessment of whether correcting it would raise or lower the limits, or alter the permitted discharge rates, for the applicant's applications.
- (c) **The existing exploration site.** Records showing whether the limits applied to the existing discharge (TC 40/12; Consent 068/12/2) are affected; the limits NIEA currently applies to that discharge and their legal basis; and any remedial or enforcement action planned.
- (d) **The 2014 consent and the judicial review.** Copies of the court order or orders, and any judgment, in the judicial review concerning the discharge consent for TC 40/12; records identifying which consent was quashed; any revocation notice or decision concerning Consent 068/12/2 of 6 February 2014; and NIEA's recorded position on whether that consent remains in force.
- (e) **The internal standards.** The document or documents setting out the internal standards NIEA told the Inquiry it applies, linked to the JNCC targets for freshwater Page 2 of 4 EIR Request to NIEA: Curraghinalt Discharge Standards pearl mussel and to the 2015 Regulations; the date each was adopted and by whom it was approved; whether and where it has been published; and the method and evidence on which it was established.
- (f) **Review since 2014.** Records of any review by NIEA of the limits applied to the existing discharge against the 2015 Regulations and the revised Conservation Objectives for the Owenkillew River SAC (September 2024).
- (g) **The timetable.** Records of NIEA's programme for producing corrected limits, including any date communicated to the Department or the Commission. The draft conditions and limits.
- (h) **The draft conditions and draft discharge limits.** NIEA prepared for provision to the Inquiry on 29 September 2026, including any figures produced before the flaw was identified.
- (i) **Communications with the applicant.** Communications between NIEA and the applicant or its consultants from 1 August 2026 to the date of response concerning the model, its inputs, the baseline data or the discharge limits.

- (j) **Other watercourses.** Records of the monitoring NIEA carries out, or requires, on the watercourses affected by the project other than the two discharge points, including the Unnamed Watercourse, the Attagh Burn, the Glenealy Burn and the Owenreagh and Owenkillew Rivers, and of the standards against which that monitoring is now assessed.
- (k) **Unassessed elements.** Records of any consideration by NIEA of tellurium, bismuth, tungsten, selenium or silver in its assessment of the discharge consent applications, including any decision not to set limits for them.
- (l) **Impoundment.** If not already provided in response to my letter of 8 September 2026, a copy of the departmental instruction on which NIEA relied on 3 September 2026 in stating that the water storage ponds are not impounding works requiring a licence under the Water Abstraction and Impoundment (Licensing) Regulations (Northern Ireland) 2006.

I can advise that the Department has completed its search and can confirm that it holds some of the information you requested.

The information held which can be disclosed is set out below and provided in **Annex A**.

The Department has decided not to disclose some of the information you requested as it considers some relevant exemptions to be engaged, this is also outlined below. In these instances, the Department is legislatively required to consider the public interest in disclosure. An associated Public Interest Test has been conducted and is attached for your information at **Annex B**.

- (a) **The decision not to provide limits.** Response provided in DAERA 26-757. There is no record of the decision. Exception 12 (4) (a) is engaged as the information is not held.
- (b) **The baseline and flows.** Response provided in letter DAERA 26-757. There are no records relating to the information requested. Exception 12 (4) (a) is engaged as the information is not held.
- (c) **The existing exploration site.** The discharge limits on the existing consent were derived using the RQP model and applied the appropriate approach at the time. There are no records relating to the information requested. Exception 12 (4) (a) is engaged as the information is not held.
- (d) **The 2014 consent and the judicial review.** The PACNI Website has a copy of the order issued by the Court in respect of the Judicial Review at the following link:

[AE1 24 723961 TC 10 12 draft Order August 2019.pdf](#)

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NIEA outlined to the Public Local Inquiry that the consent TC 40-12-2 issued in 2014 remains in place. There are no records relating to the information requested. Exception 12 (4) (a) is engaged as the information is not held.

(e) The internal standards applied to consent TC 40-12-2

NIEA advised the Inquiry it considers the existing discharges against limits derived using the relevant EQS standards from the 2015 regulations, as had been calculated for the TC 40/12_3 consent. A document detailing these is provided at Annex A (Screenshot from Compliance database).

(f) Review since 2014

NIEA has not revised the consent since there is an open application in respect of the same discharge point, which was received in 2020. There are no records relating to the information requested. Exception 12 (4) (a) is engaged as the information is not held

(g) The timetable

There are no records relating to the information requested. Exception 12 (4) (a) is engaged as the information is not held

(h) The draft conditions and limits.

The draft discharge consent limits that were withdrawn are provided in table 7, page 694 of the [Discharge consent Statement of case](#) on the NIEA website.

The draft conditions prepared for the provision to the inquiry on 29th September 2026 are available on the PACNI Website at the following link: [NIEA draft conditions documents | Planning Appeals Commission](#)

(i) Communications with the applicant.

There have been no communications between NIEA officials and the applicant or its consultants from 1 August 2026 to the date of response concerning the model, its inputs, the baseline data or the discharge limits. Exception 12 (4) (a) is engaged as the information is not held.

There have been limited communications between counsel instructed by NIEA and counsel instructed by the applicant relating to these matters. Exchanges of information, advice and guidance on these ongoing and current issues between the Department and its legal representatives are protected as legally privileged. The Department considers the exception under paragraph 12 (5) (b) (Course of justice) applies to this material

(j) Other watercourses.

NIEA does not hold any records of water quality monitoring for the Attagh Burn, the Glenealy Burn and Unnamed Burn. Exception 12 (4) (a) is engaged as the information is not held.

The Owenreagh and Owenkillew (2 stations) are routinely monitored for water quality and details of this monitoring up to 2025 are provided in the attached spreadsheets in Annex A.

(k) Unassessed elements.

There are no records relating to the information requested. Regulation 12 (4) (a) is engaged as the information is not held

(l) Impoundment.

Response provided in letter GM-1113-2026. There are no records relating to the information requested. Regulation 12 (4) (a) is engaged as the information is not held.

If you require any clarification, believe that any part of your request has been overlooked, misunderstood or misinterpreted, please contact me in the first instance to see if it is a matter that can be resolved.

If you are unhappy with the manner in which your request for information has been handled or the decision to release/withhold information, you have the right to request a formal review by the Department. If you wish to do so, please contact The Review Section either by e-mailing daera.informationmanager@daera-ni.gov.uk or by post at The Department of Agriculture, Environment and Rural Affairs, Data Protection & Information Management Branch, Floor 2, Jubilee House, 111 Ballykelly Road, Ballykelly, Limavady BT49 9HP, within two months from the date of this letter.

If after such an internal review you are still unhappy with the response, you have the right to appeal to the Information Commissioner at Wycliffe House, Water Lane, Wilmslow, CHESHIRE SK9 5AF, who will undertake an independent review of the Department's decision.

Yours sincerely,

Water Regulation

Northern Ireland Environment Agency

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