



REGIONAL PLANNING POLICY & CASEWORK DIRECTORATE
TRANSBOUNDARY CONSULTATION | ISSUES PAPER

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1.0 Introduction

1.1 Pursuant to regulations 27 and 29 of the 2015 and 2017 Planning (Environmental Impact Assessment) (“EIA”) Regulations (Northern Ireland) respectively, the duty of the Department for Infrastructure is solely to undertake transboundary consultation in respect of the planning regime, ensuring that cross-border environmental impacts are properly considered as part of the EIA process. The Department is not obligated to carry out transboundary consultations in relation to consents administered by other regimes. However, the planning applications form part of the Dalradian Conjoined Public Local Inquiry (“CPLI”) and as such, the Department in its consultation, provided details on various related consents for assistance and completeness.

1.2 Following the conclusion of the revised Dalradian project transboundary public consultation period, which allowed members of the public in the Republic of Ireland (“RoI”) the opportunity to express their views on the project prior to the resumption of the CPLI, approximately 1,600 responses were received. Although not a requirement, the Department opted to provide a submission highlighting issues raised in the representations to the Planning Appeals Commission (“PAC”) for assistance.

1.3 The Department has now undertaken a review of the representations. This paper provides a high-level summary of the principal issues arising from representations received both opposing and in support of the project. It is intended to convey the key points only, to assist the Commission, and does not reflect the full detail of each individual submission.

1.4 It should be noted that, while the issues have been categorised under a particular topic heading, it is recognised that some issues, due to their interrelated nature, may overlap. However, to avoid repetition, overlapping issues have not been duplicated. It is at the Commission’s discretion to determine the appropriate topic under which each issue should be considered. The order of the issues does not imply any order of prioritisation or importance.

2.0 Topic areas

2.1. Transboundary Consultation

Responses received from parties indicated, suggested or alleged -

- Meaningful response to transboundary consultation cannot be made due to the unresolved dispute regarding the location of the boundary in Lough Foyle between Northern Ireland and Republic of Ireland
- Inadequate assessment of transboundary impacts and no engagement with RoI during environmental impact studies
- Breach of Espoo Convention and Transboundary EIA Law
- Consultation has been rushed, and insufficient time allowed for the residents of RoI to fully review and respond
- Restricted geographically
- RoI not consulted at earliest stage
- No transboundary screening conducted
- Misdescription of the project in public consultation
- Procedural flaws relating to public consultation and advertising
- Availability, accessibility and level of adequacy of the environmental information for all elements of the Conjoined Public Local Inquiry including Statement of Cases and rebuttals
- Propriety and legal compliance of the public notification undertaken in RoI

2.2. Cultural Heritage

Responses received from parties indicated, suggested or alleged -

- Impacts on ancient archaeological sites, Irish language heritage, and the natural beauty of the Sperrins
- Impact on designated ASAI (Area of Significant Archaeological Interest) Beaghmore Stone Circles
- Impacts on sites of religious significance
- Removal of peat and use of explosives could destroy the sub surface archaeological remains
- Impact on indigenous Irish culture of the people of Muintir Luinigh
- Unacceptability of the abandonment of Green Road
- No assessment of the cultural, archaeological, linguistic or historical significance of the Sperrins.
- Cultural heritage assessment is outdated and does not reflect contemporary best practice
- *Dinnseanchas* - the sense of cultural connection and belonging to a landscape – should be a material planning consideration as it was when PAC recommended Doraville wind farm should be refused

2.3. Biodiversity and nature conservation (including Habitats Regulations Assessment)

Responses received from parties indicated, suggested or alleged -

- Absence of completed Habitats Regulations Assessment for planning applications
- No final HRA for water abstraction & discharge consent applications
- Screening out of Owenreagh River and Pollanroe Burn from ""shadow"" Habitats Regulations Assessment
- Unrealistic mitigation plans which do not conform to Habitats Directive.
- Impacts on legally protected species and other wildlife including salmon, freshwater pearl mussel and migrating bird species
- Impacts on designated sites including the River Foyle and tributaries Special Area of Conservation (SAC), Lough Foyle Special Protection Area (SPA) and Ramsar site, the River Finn SAC and Black Bog SAC
- Impacts on peatland and priority habitats on both sides of the border
- Habitat fragmentation and interception of wildlife movements due to scale and linear nature of powerlines
- Failure to consider migratory species to RoI
- Tree cutting and felling required for powerlines would disturb wildlife habitats and ecosystems
- Management plans to manage harm
- Plausibility of biodiversity gains

2.4. Traffic and Transport

Responses received from parties indicated, suggested or alleged -

- Traffic congestion on the roads
- Increased risks of accident

2.5. Water Environment

Responses received from parties indicated, suggested or alleged -

- Potential quality and quantity risks to hydrologically connected water systems across Northern Ireland and Republic of Ireland including those protected waters as a result of:
 - failure of the 'Dry Stack Facility'
 - acid mine drainage
 - the proposed discharge consents and water abstraction
 - "Closure plan."
 - treated sewage
- Impacts on drinking water

- Inadequate assessment from with respect to Article 4 of the Water Framework Directive
- Cumulative build-up of heavy metals in the river systems
- Impacts of powerlines crossing waterways
- No data or evidence to back up references to improved environmental outcomes as a result of mining
- Exceedance of discharge consent limits
- Water ways are already under pressure
- Development risks significantly fuelling poor water quality ratings
- Rivers need to be prioritised and aided in their recovery, not threatened.
- Clean water ecosystems are essential to biodiversity restoration and for the health of human population
- Mining alters water and sediment chemistry, and the health of organisms ranging from microbes to mammals
- Alterations to water table and drainage patterns
- Flawed methodologies in EIA (Environmental Impact Assessment) and with regards to water discharge consents and abstraction licences
- Lack of cumulative assessment of the multifactorial risks negatively impacting the water systems
- Acid Rain
- Flooding risk including as a result of peat disturbance
- Application of Precautionary Principle

2.6. Human Health/Health and Safety

Responses received from parties indicated, suggested or alleged -

- Health risks associated with the disturbance of Naturally Occurring Radioactive Materials (NORM) and lack of assessment of such
- Health risks relating to heavy metals leaking into surface and groundwater
- Health risks associated with air pollution and exposure to small particle pollutants
- Impacts on health of children due to close proximity of school and GAA club
- Presence of arsenic not acknowledged
- Impacts of ammonium nitrate released during blasting
- Impacts of diesel emissions on humans not assessed
- Harmful emissions spread across the border
- Serious risk to the health and safety of the community if waste stack fails
- Health concerns related to living in proximity to high voltage powerline.
- No completed Health Impact Assessment

2.7. Landscape and Visual

Responses received from parties indicated, suggested or alleged -

- Dark Skies will be negatively affected by the construction of the mine and the powerlines
- Artificial light pollution
- Impact on the Sperrins Area of Natural Beauty – incompatibility of the proposed development with its conservation
- Landscape and visual impacts associated with the expansive nature of the powerlines and limited visual assessment of their impact
- Visual impacts - experienced by residents on both side of the border
- Opting for a longer powerline route is visually detrimental

2.8. Air Quality

Responses received from parties indicated, suggested or alleged -

- Impacts on air quality as a result emissions from the development
- Particulate matter will pollute water and land as well as air
- Susceptibility of strong winds due to the elevated location of the site will lead to air contamination
- Toxic dust dispersal will impact on communities and habitats on both sides of the border
- Diesel emissions impacts on animal and plant life not been measured in Environmental Statement.
- Impacts of airborne pollution on wildlife

2.9. Control/ Management of the mine including mine waste

Responses received from parties indicated, suggested or alleged -

- Ambiguity of financial guarantee
- Proper financial bond required
- Tailing dams are likely to burst - tailings could develop into a flow or could travel by slumping potentially leading to downstream contamination with transboundary implications
- No analysis of the consequences of failure of the mine tailings dam
- No plan for achieving adequate compaction of the tailings behind the dam during periods of heavy rainfall
- Inadequacies of dam stability analysis
- Inadequate drainage infrastructure
- Underreported water consumption figures, which undermine the integrity of hydrological assessments.

- Failure to meet international and UK safety standards for flood and seismic events
- Mine would be illegal in at least three countries (Brazil, China, Ecuador) based on the lack of a buffer zone between the tailings dam and the local community.
- Concerns about the length of time waste will be stored
- There is a major risk of catastrophic failure of the filtered tailings stack
- No assessment of the risk associated with the siting of the development and the blasting regime in the vicinity of the Omagh Thrust Fault
- No effective, independent or objective regulation of mineral exploration in Northern Ireland

2.10. Tourism and Recreation

Responses received from parties indicated, suggested or alleged -

- Impact of the development on the vast range of tourist activities and attractions
- Incompatibility of the development and tourism
- No assessment of economic fallout from loss of tourism
- Traffic congestion would deter tourists

2.11. Economic and social effects

Responses received from parties indicated, suggested or alleged -

- Public cost of any cleanup
- Minimal local economic benefits
- Economic arguments not sufficiently robust
- Unsubstantiated necessity of the project
- Concerns regarding alleged financial speculation practices of companies involved in this proposed project
- Concerns raised by the local community and other statutory bodies concerning the societal benefit of this project not addressed
- Risks to existing livelihoods including sustainable farming, fishing and tourism
- Livestock exposed to pollutants
- Impacts on crops will have resultant impacts on farmers in Northern Ireland and RoI
- Development will result in intensification of mining in RoI
- Instability of extractive projects that follow extreme boom and bust cycles
- Proposals lack local community support and a social licence to operate.
- Salmon fishing and shellfish aquaculture industry in the Foyle system is globally known – that status would disappear if aquatic populations were impacted

- New form of community division and conflict created
- Project will provide sustainable jobs and regional development - cross-border economy is vital
- Will encourage youth in Australia to return if development is approved

2.12. Climate change

Responses received from parties indicated, suggested or alleged -

- Irresponsibility of adding further to the climate emergency
- Failure to adequately consider and assess the project's impact with regards to climate change
- Proposed diesel usage compromises Northern Ireland's mission to achieve Net Zero carbon emissions, and by extension undermines the Republic of Ireland's own Net Zero mission.
- Failure to comply with climate action plans and legislation
- Release of carbon dioxide as a result of peat disturbance would contribute to greenhouse gas emissions.
- Water abstraction will impact on peatland as an efficient carbon store adding to climate change and impacting on ability to meet climate targets regionally.
- Carbon accounting and climate impact assessment calculations do not consider destruction of peatland
- Mining operations require fresh water, electricity and diesel - adverse impacts on climate
- Powerline designed for a higher energy demand than currently needed conflicts with the objectives of Climate Change Act
- *Finch (Finch v Surrey County Council [2024] UKSC 20)* ruling can now be applied given as the overseas location has been identified by applicant
- Tree cutting and felling required for powerlines would result in carbon loss

2.13. General

Responses received from parties indicated, suggested or alleged -

- Unclear if all alternatives have been explored
- The granting of mineral prospecting licenses
 - failure to carry out Strategic Environmental Assessment
 - permitted development rights not assessed
 - failure to take into accounting case law
- Necessity to invoke precautionary principle
- Seismic events not considered
- No scientifically reliable baseline - no assessment of unregulated and unauthorised quarries

- Fragmented and technical presentation of information across multiple government websites
- Assessments downplay significance of multiple designations and have not considered cumulative impact
- Cumulative effects with other projects in both jurisdictions not considered
- Use of revoked 2015 EIA Regulations
- Review of Old Mineral Permissions has not been enacted – significant lacunae in scientific knowledge
- Omission of details on what minerals are proposed to be extracted.
- Export barriers may result in arsenic use on site in future
- Conflicting details about caseload energy requirement and lack of calculations or clear justification for the necessity of a 33kV powerline
- Possibility of future expansions or introduction of high-energy projects
- Applicant's Statement of Case included new information – not consulted on
- New application should have been required for amendments
- PPC (Pollution Prevention and Control) permit should still be required
- Powers and technical expertise of the PAC
- Attempts to add critical minerals to proposal
- No evidence of due diligence being carried out on applicant
- Project splitting
- CPLI itself is procedurally and structurally unsound.
- Absence of SEA (Strategic Environmental Assessment)
- Absence of EQIA (Equality Impact Assessment) and no accessible public information on equality matters
- The absence of a department for mining and mining policy
- Involvement of many separate bodies makes the management and enforcement of planning and environmental enforcement impossible
- Undermines Sustainable Development Goals (SDGs)
- The project is needed due supply disruption to minerals and metals locally, nationally and internationally
- Concerns in relation to the submission of further environmental information

3.0 Conclusion

3.1 This paper is intended to support the Commission in rescheduling the public local inquiry and ensure that all issues raised are fully examined by the Commission and informed by the relevant expert consultees.