

Your Reference: 2021/WHR03 – WHR04
Our reference: AIL/2929/0105 and AIL/2020/0106

[REDACTED]
Programme Officer

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24th April 2024

Dear [REDACTED]

We write in response to your letter of 18th April 2024 in respect of the two abstraction licence applications AIL /2929/0105 and AIL/2020/0106 (“the Applications”) directed to the WAC on 5th November 2021.

Subject to any comments from the applicant and others, we agree that on the totality of the information currently available to us the Applications had been deemed to be refused prior to the direction to the WAC and that there was therefore no jurisdiction to direct the WAC to consider representations in respect of these two Applications.

The issue of the jurisdiction to direct the Applications to the WAC had not been raised by the Commission at any time either prior to the direction on 5th November 2021 or in the intervening period. When the Commissioner raised it in oral questions at the hearing in March, DAERA Officials gave their answers based on their honest understanding of relevant internal procedures and their honest recollections of the correspondence from some time ago.

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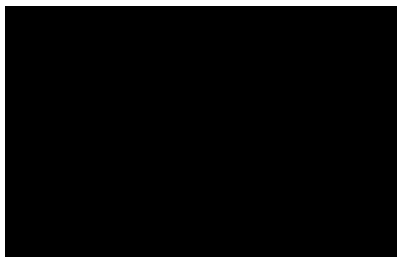


DAERA sincerely apologises to the WAC and to the public for inadvertently providing incorrect answers. DAERA officials, did provide all the documentation relating to this issue, subsequent to the pre-inquiry hearing; there was no intent to mislead.

To note, we have received a letter from the applicant today indicating that they intend to submit two new applications for the abstraction proposals. The applicant informs us that these applications will be in the same terms of those lodged previously. Once received, we are committed to process these applications with extreme urgency and in line with our procedures. In line with that urgency, we will inform the Commission of the DAERA position as soon as possible in order to avoid any impact on the inquiry timetable.

We would wish to re-emphasise our sincere apology regarding this regrettable matter and again reaffirm that the DAERA officials did not intend to mislead. DAERA officials recognise the fundamental importance of the Commission being able to rely on the factual accuracy of answers, in the future and to further reassure the commission, we will respond in writing to further factual queries as to historic events to ensure that we provide the WAC with the full and accurate picture.

Yours sincerely,



Chief Executive

Northern Ireland Environment Agency

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**Agriculture, Environment
and Rural Affairs**
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