



Planning Appeals
Commission

[REDACTED]
DfI Planning

PROGRAMME OFFICER

[REDACTED]
4th Floor
92 Ann Street
Belfast
BT1 3HH

CONTACT

028 90 244710
Dalradian.CPI@pacni.gov.uk

OUR REFERENCE

2021/WHR03 – WHR04

DATE

25th April 2024

By Email

Dear [REDACTED]

2021/C005 - a Public Local Inquiry under Section 26(10) of the Planning Act (Northern Ireland) 2011 for planning application LA10/2017/1249/F

2021/C006 – a Public Local Inquiry under Section 29(6) of the Planning Act (Northern Ireland) 2011 for planning application LA10/2019/1386/F

2021/C007 – a Public Local Inquiry under Section 29(6) of the Planning Act (Northern Ireland) 2011 for planning application LA11/2019/1000/F

You referred the above applications to the Commission on 22 September 2021 requesting that public inquiries be undertaken. These applications are three of eight requests to the Commission to hold public inquiries in relation to the Dalradian project. It had been requested that the public inquiries be undertaken in a conjoined manner. The Commission has taken a number of steps to progress with the conjoined public inquiry and has held the pre-inquiry meeting.

As you will be aware from the pre-inquiry meeting the Commissioner specifically asked the representative of the Department of Agriculture, Environment and Rural Affairs (DAERA) whether the Department had sought any extension of time with the Applicant to determine the abstraction and impoundment license applications and, if so, directed that a copy of all correspondence clarifying the date of receipt of the relevant applications and all extensions of time agreed by DAERA to be forwarded to the Commission.

It seems that despite the submissions made at the pre-inquiry meeting by the DAERA representative, the Department have now confirmed to us that in fact no extensions of time letters were ever granted/issued by it in relation to the abstraction and impoundment applications AIL 2020/0105 and AIL 2020/0106. As a result, the Commission is of the view that DAERA appears not to have had the necessary lawful authority to call a Public Inquiry in relation to the Water Abstraction and the Impoundment License applications.

The Commission has raised concerns with DAERA in this respect, a copy of the correspondence is attached. DAERA have responded to the Commission and their response is also attached. In light of the position outlined in the NIEA response, the public inquiries into the abstraction and

impoundment license applications can no longer form part of the current conjoined public inquiry which is expected to open on 10th September 2024. The Commission will be notifying parties accordingly and advising that statements of case should no longer be submitted in respect of the abstraction and impoundment applications.

As outlined above, all requests for the relevant public inquiries had been co-ordinated by the referring authorities so that all related applications would be considered together as part of a conjoined inquiry. Deadlines for the submission of statements of case and rebuttals are set for 31 May and 3 July respectively. The Commission is writing to ascertain how you wish to proceed in the absence of the public inquiries into the water abstraction and impoundment applications.

Given that the deadlines for submission of evidence have been set, it is important that you provide instructions as a matter of urgency. The Commission requests the written response of Dfl by **2pm on 1st May 2024**.

In line with the Commission's policy of openness and transparency, this correspondence will be uploaded to the Commission's website.

Yours sincerely


Programme Officer