

2018 No. 132721

IN THE COURT OF JUDICATURE IN NORTHERN IRELAND

QUEEN'S BENCH DIVISION (JUDICIAL REVIEW)

**IN THE MATTER OF AN APPLICATION BY [REDACTED] FOR JUDICIAL
REVIEW**

**AND IN THE MATTER OF A DECISION OF THE DEPARTMENT FOR
AGRICULTURE, ENVIRONMENT AND RURAL AFFAIRS
DATED 29TH SEPTEMBER 2017**

UPON hearing counsel for the Applicant, Respondent and Notice Party

AND UPON the Respondent deciding that it is not in the public interest to defend these proceedings in light of its obligation to conduct an appropriate assessment in accordance with its obligations under the Conservation (Natural Habitats etc.) (NI) Regulations 1995 prior to taking the impugned decision to review the conditions of the water discharge consent which had been issued to the Notice Party

AND UPON the Respondent consenting

IT IS HEREBY ORDERED THAT:

1. The decision of the Department of the Environment, Agriculture and Rural Affairs pursuant to the Water (NI) Order 1999, dated 29 September 2017 to review and vary the conditions of a water discharge consent issued to Dalradian Gold Ltd (Consent No. 068/12/3) shall be quashed;
2. The Respondent shall pay the Applicant the costs of the proceedings, to be taxed in default of agreement, save that the total liability of the Respondent for the Applicants' costs shall not exceed £35,000 plus VAT.