



Planning Appeals
Commission



Water Appeals
Commission

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DfI Planning

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DAERA/NIEA

██████████
DfI Roads

DATE
02 May 2024

By Email ONLY

Dear Sirs

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

2021/WHR01 – a Public Local Inquiry under Schedule 1, paragraph (3) of the Water (Northern Ireland) Order 1999 for a consent to discharge application TrC 080/20_1 – DAERA, on behalf of Dalradian Gold Ltd

2021/WHR02 - a Public Local Inquiry under Schedule 1, paragraph (3) of the Water (Northern Ireland) Order 1999 for a consent to discharge application Ltd TrC 081/20_1 – DAERA, on behalf of Dalradian Gold Ltd

2021/DR001 – a Public Local Inquiry for a proposed road abandonment order for part of the Crockanboy Road for application (IN1-21-5706) under paragraph 4 of Schedule 8 of the Roads Order (Northern Ireland) 1993 on behalf of Dalradian Gold Ltd.

The Commissions have now received your responses to our letter of 25 April 2024.

As noted in our letter 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. As outlined, 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.

Unlike previous attempts at co-ordinating efforts in respect of the inquiry requests, the Commission now appears to be placed in the invidious position where two referring authorities wish to progress with the PI whilst another has failed to respond in time. As you may be aware, DfI Planning has noted the correspondence provided to them and has stated [in written correspondence to the Commission] that 'if the resubmitted licenses add nothing new, the Department sees no obvious reason to delay the inquiry process'.

As you all should be aware, the water abstraction and impoundment licenses are required to abstract water from the ground and surface water around the proposed mine and impound that water in ponds as detailed in planning application LA10/2017/1249/F. This operation proposes to use the impounded water in the processing of the ore. The impacts of the proposal are included within the Environmental Statement and Further Environmental Information. Whilst the Commissions appreciate that the licensing applications fall under a different consenting regime, you will all of course agree that they are integral to the operation of the mine and without the water ponds there may be surface water run-off which may have a very different environmental impact to that which has been assessed as part of the papers provided to the Commissions.

The expected resubmitted license applications and subsequent public inquiry referrals will ensure that all the issues associated with the development can be considered in full. The legislative purpose of all the inquiries is to consider the issues raised within the representations to each referring authority. It is imperative therefore that the issues raised by those representations are considered comprehensively, especially where different consenting regimes overlap.

Proceeding with the inquiries in the absence of these two key elements will, in the Commissions' view, fundamentally undermine the ability of the Commissions to fulfil its duties satisfactorily and would significantly undermine public confidence in the inquiry process and its outcomes.

As such, we consider that it would be imprudent to proceed with the scheduled opening of the hearing sessions in September 2024.

The Commissions have decided therefore to suspend arrangements for the current inquiry timetable in the circumstances. Once the Commissions are in receipt of a valid direction from DAERA in relation to the expected abstraction and impoundment license applications together with all of the relevant papers in respect of those applications, it will move to set directions and new dates for the submissions of statements of case, rebuttals and for the opening of the re-scheduled hearing sessions for all eight elements of the conjoined inquiry.

The Commissions will provide updates on our website once notified by DAERA that it is in receipt of the new applications and at all relevant stages thereafter.

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

Yours sincerely



Andrea Kells

Chief Commissioner