



Northern Ireland Environment Agency
Gníomhaireacht Comhshaoil Thuaisceart Éireann
Norlin Airlan Environment Agency

Your reference

Our reference AIL 2024/0003 and AIL/2024/0004

Chief Commissioner
Planning/Water Appeals Commission
Park House
89-91 Great Victoria Street
Belfast
BT2 7AG

21st June 2024

Chief Executives Office

NIEA Lisburn

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Tonagh

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Dear Chief Commissioner

DALRADIAN GOLD - PUBLIC LOCAL INQUIRY IN ACCORDANCE WITH THE WATER ABSTRACTION AND IMPOUNDMENT (LICENSING) REGULATIONS (NI) 2006.

Thank you for your letter of the 14th June 2024.

As you know, Regulation 9 (4) of the Abstraction and Impoundment Licensing Regulations 2006 states:

9(4) Any person affected or likely to be affected by, or having an interest in, the application may make representations to the Department in writing within 28 days beginning with the date of the advertisement.

The Department received requests to extend the statutory time period for making representations. The Department took the decision to afford the public more time to respond to the advertisement and extended the advertisement period to 13th June 2024.

On receipt of your letter, the Department reviewed this decision and now accepts that the consultation process is flawed as the statutory 28 day window was unlawfully extended.

Subsequently in an effort to correct this error and properly fulfil the statutory requirement the Department intends to direct the applicant to readvertise in accordance with Regulation 9.

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You will appreciate this will generate questions by respondents on the validity of their responses to date.

To assist in addressing those questions and with the aim of securing an approach which ensures a Direction from the Department is accepted by the PACNI and that all the public representations received will be considered at a public local inquiry, it would be helpful if the PACNI could respond to the queries below:

- In seeking to address the extension error the Department intends to direct the applicant to readvertise to ensure compliance with the specified time frame in Regulation 9(4) as soon as possible, and any representation received will be submitted to the appeals commission immediately following the closure of the advertisement period. Is the PACNI content with that approach?
- Will the PACNI accept previous representations made by the public on the same proposals? Please note that the advertisement periods for both the 2024 applications and the 2020 applications were extended beyond the specified time frame in the legislation. As you are aware the 2024 consultation deadline was extended by an additional 14 days and the 2020 applications were extended by an additional 28 days.
- In order not to prejudice any consultees (in all processes to date) who have already submitted their replies in good faith, to ensure administrative efficiency and mitigate any impact on timetabling, the Department intends to treat those replies as valid and will not require members of the public to submit them again. This will include those consultees' replies during any flawed extension period.
- It is the Department's view that all representations made under the 2020 and 2024 application processes remain valid for the purposes of consideration by the PAC at a public local inquiry and before communicating this to applicant, the Department wishes to know that the PACNI is of the same view. This will ensure that those who made representations in good faith under the 2020 and 2024 processes are not disadvantaged.

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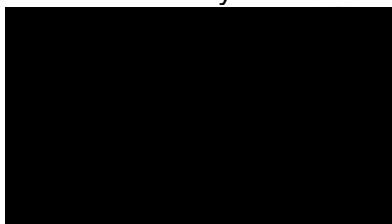
Please see attached the following relevant documents to demonstrate compliance with the procedural requirements of the regulations:

- Application Documents submitted for both AIL 2024 0003 and AIL 2024 0004
- Regulation 8 Deemed Complete Letter
- Regulation 9 (1) Decision Document
- Regulation 9 (2) Advertisement Notice
- Regulation 9 A Notice to Water Undertaker

The Department deeply regrets the impact its misinterpretation of the previous application processes may have on the timetabling of the public local inquiry. I do hope that these matters will be resolved quickly to allow the public to engage in a public local inquiry in the near future.

I would also like to assure the Commission that steps have been taken to address the misunderstanding that led to this unacceptable delay, which has impacted the applicant, all those who have made representations and engaged with the inquiry process to date, and the PAC itself.

Yours sincerely



Chief Executive

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