

[REDACTED]
DfI Planning

Date: 9 September 2025

RE: CONJOINED PUBLIC INQUIRIES INCLUDING:

- 1. 2021/C005 - a Public Local Inquiry under Section 26(10) of the Planning Act (Northern Ireland) 2011 for planning application LA10/2017/1249/F**
- 2. 2021/C006 – a Public Local Inquiry under Section 29(6) of the Planning Act (Northern Ireland) 2011 for planning application LA10/2019/1386/F**
- 3. 2021/C007 – a Public Local Inquiry under Section 29(6) of the Planning Act (Northern Ireland) 2011 for planning application LA11/2019/1000/F**

Dear [REDACTED]

We refer to the Department's letter dated 29 August 2025 which is signed off by the Regional Planning Policy & Casework Directorate. Whilst I would normally escalate issues to the Grade 5 within the Directorate, I am writing to you as I am advised that a conflict of interest exists in respect of the Grade 5 and the Dalradian planning applications.

The Commission has made continued efforts at considerable expense to the public purse to move the conjoined public inquiries forward. Whilst the Department's letter purports to seek that the inquiries are reopened in an effective and efficient manner, it raises an issue that has the potential to have the opposite effect. The Commission wishes to avoid such a situation arising and is therefore drawing attention to the matter so that there are no false expectations in respect of the Commission as we move forward.

There are ongoing efforts to try and require the Commission to identify any further environmental information that is considered necessary to process the planning application. The Commission has previously raised this matter with the Department on a number of occasions, yet the Department continues to suggest that should the Commission determine whether further environmental information is required under the Environmental Impact Assessment Regulations it would be helpful to issue a finding in relation to the information required and set proposed timescales for

submission. For the avoidance of doubt, such an exercise is considered to fall outside our statutory remit. Furthermore, as we have stated previously, to set out our position as to the adequacy or otherwise of the evidence to the inquiry prior to the submission of oral evidence at the hearings and our consideration of it in our final report could be perceived as prejudicial to the process.

A public inquiry in respect of a planning application has a very clear statutory remit as set out in the Planning Act (Northern Ireland) 2011. The sole purpose is to consider the representations that have been lodged in respect of an application. It is under this statutory remit of considering the representations, some of which raise environmental matters, that the Commission will consider such aspects, all the submitted evidence and report on them to the Department. The evidence comprises the written submissions provided in line with the Commission's procedures and the oral testimony given during the hearing sessions.

The Commission has provided the Department with several opportunities to review its position in respect of whether it has sufficient information to reach a reasoned conclusion on the significant effects of the development described in the Dalradian applications on the environment. The Department is clearly of the view that this is the case given that it is not seeking further environmental information at this time. Decision-making in respect of this is entirely a matter for the Department.

Given the exceptional circumstances arising from the introduction of circa 1600 potential parties to the inquiry process through the belated undertaking of the transboundary consultation, the Commission will now consider how best to incorporate these new participants at this late stage and will be in contact in due course.

Yours sincerely,

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Chief Commissioner