



Planning Appeals
Commission



Water Appeals
Commission

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[REDACTED]
Committee for Agriculture, Environment and
Rural Affairs

DATE
3 June 2024

By Email

Dear [REDACTED]

Re: Curraghinalt Project (Dalradian) Public Inquiry

Thank you for your letter of 31st May 2024 in respect of the above conjoined public inquiry.

The Commissions are established under statute to decide a wide range of appeals and to report on various matters under planning and other legislation. The Commissions are independent of any government department, agency or council and are free from political influence. It is noted that several members of the Committee have declared an interest in the Dalradian inquiry. To avoid the Commissions being placed under any form of perceived political pressure we are responding to your letter of 31st May but to preserve our independence, we ask that the Committee refrain from corresponding further on the matter. I trust you appreciate our position.

The reasoning in relation to the suspension of arrangements has been set out in previous correspondence from the Commission to the referring authorities involved and is available on our website. The abstraction and impoundment applications were two of eight requests to the Commission to hold public inquiries in relation to the Dalradian project. Despite the position of the referring authorities, in the Commissions' view, proceeding with the inquiries in the absence of the water abstraction and impoundment elements would, 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.

The water abstraction and impoundment licenses are required to abstract water from the ground and surface water around the proposed mine in order to facilitate the underground aspects of the mining operations. This water is proposed to be impounded in ponds. The mining operation also proposes to use the impounded water in the processing of the ore. These elements are detailed in the planning application LA10/2017/1249/F which remains the subject of the conjoined inquiry. The impacts of the proposal are included within the Environmental Statement and Further Environmental Information which accompanies the planning application. Whilst the Commissions appreciate that the licensing applications fall under a different consenting regime than the planning legislation, 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.

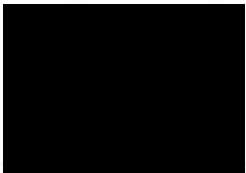
The legislative purpose of all the inquiries is to consider the issues raised within the representations to each referring authority. It is imperative therefore that those issues are considered comprehensively, especially when different consenting regimes overlap. The new license applications and subsequent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

applications for water abstraction and impoundment licenses were submitted to the Department in late April 2024 and advertised on the 2nd May 2024. There is a 28-day statutory timeframe to allow the public to make representations to the new applications.

Whilst the start date of the conjoined inquiry has been postponed, we do not expect the delay to be prolonged. Given what we expect to be the imminent referral of papers from DAERA, we are continuing to review our options and have taken steps to allocate referred work which should not affect any rescheduled conjoined inquiry. The Commission has previously written to the Department for Infrastructure outlining the issues regarding the implications of the Dalradian Public Inquiry and advised that they should seek to pursue alternative options which are open to it in order to progress applications in the interim.

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

Yours sincerely



Chief Commissioner