

Regional Planning Policy & Casework



Department for

Infrastructure

An Roinn

Bonneagair

Department for

Infrastructure

www.infrastructure-ni.gov.uk

Chief Commissioner
Planning & Water Appeals Commission
4th Floor
92 Ann Street
Belfast
BT1 3HH

Email:

Dalradian.CPI@pacni.gov.uk

James House
Gasworks Site
2 - 4 Cromac Avenue
Belfast
BT7 2JA
Tel: 0300 200 7830

Email:

planning@infrastructure-ni.gov.uk

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22 October 2024

Curraghinalt Project (Dalradian)

Dear [REDACTED]

Thank you for your letter dated 16 October 2024. The points which you have raised will be addressed in order.

Firstly, your comments in relation to the Department's neutral position is noted. The Department has reiterated its position in its Statement of Case (SoC).

With respect to your query in relation to the reference to the NIEA response in the Department's previous letter, this is information which NIEA has recently provided the Department as part of NIEA's input into the Department's SoC. It post-dates NIEA's consultation response dated March 2021. The information is included and fully detailed in an appendix to the Department's SoC so that all parties have an opportunity to consider it.

With respect to your comments about requests for Further Environmental Information (FEI), whilst such requests are primarily a matter for the Department, the Commission is entitled to raise with the Department any views the Commission may have about the evidence which is (or which will be) before the inquiry. Although the Department has considered – and will continue to consider – whether the environmental statement needs further information to be an environmental statement, there is nothing in the 2015 or 2017 EIA Regulations which prevents the Commission from raising with the Department its views as to the adequacy of the evidence base prior to or during the course of the inquiry, so long as the Commission does so in a transparent manner.

The references in the Department's previous letter to the *Finch* case and NIEA's comments were simply designed to make the Commission aware of the fact that certain FEI will need to be submitted prior to the start of the inquiry. As the Commission will be aware from the Applicant's correspondence dated 17 October 2024, the Applicant intends to provide such information within its SoC. This approach is consistent with the 2015 and 2017 EIA Regulations.

The Department is aware of its responsibilities as competent authority under the Conservation (Natural Habitats etc) Regulations (Northern Ireland) 1995 (as amended). The effect of the proposal on 'designated sites' (if any) is an issue that has been raised in various representations and consultee responses. As such, the Department considers that the issue should be considered at the inquiry. A draft HRA which identifies and assesses (to the extent possible) any effects which the proposal might have on designated sites would assist in this respect.

Lastly, the Department will provide the Commission with a copy of the relevant advertisement upon its publication of the notice of the inquiry.

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