

Written Ministerial Statement

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Department of Agriculture, Environment & Rural Affairs

CURRAGHINALT PROJECT (DALRADIAN) PUBLIC INQUIRY - CONCERNS RAISED TO THE DEPARTMENT OF AGRICULTURE, ENVIRONMENT & RURAL AFFAIRS (DAERA) BY THE WATER APPEALS COMMISSION (WAC).

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Mr Muir (Minister of Agriculture, Environment and Rural Affairs): I wish to draw to the Assembly's attention to the fact that the Water Appeals Commission (WAC) has written to my Department, firstly regarding an instruction provided to them by DAERA, and secondly, to information provided to the Commission at a pre inquiry meeting, on 20 March 2024, by my Department.

By way of background, the Planning Appeals Commission and the WAC, after receiving separate instructions from the Department for Infrastructure (DfI) and DAERA, has decided to hold a con-jointed public local inquiry, to include eight separate, but related, applications associated with the Dalradian Curraghinalt Goldmine Project, specifically the main mine planning application, two powerline applications, a roads abandonment application, all submitted to DfI, and 4 applications for environmental authorisations submitted to DAERA, by Dalradian Gold Ltd.

Firstly, the WAC has highlighted the application of the Water Abstraction and Impoundment (Licensing) Regulations (Northern Ireland) 2006, specifically:

- Regulation 19(1), which states that the Department shall determine an application within 4 months beginning with the date on which it receives the application or shall determine it within such later period as may be agreed in writing with the applicant.
- Further to this, Regulation 19(4) which states that where the Department fails to determine the application within the period provided for under this regulation the application shall be deemed to have been refused.
The WAC queried whether the applications have been deemed refused based on the evidence provided by my Department.

My Department agrees with the WAC's assessment, in that in the case of the two applications for abstraction and impoundment licences, submitted by Dalradian Gold Ltd to DAERA, these have been deemed refused. The initial 4 month period had expired without any agreement, in writing, being reached between my Department and the applicant on any later period for determination. Therefore, in accordance with the regulations, the two applications are deemed to have been refused, prior to the instruction to hold a public local inquiry, and therefore my Department did not have the power to direct the WAC to hold a public local inquiry in respect of these applications on the 5th November 2021.

In relation to the second issue, raised by the WAC, involving the provision of incorrect information at a pre inquiry meeting, on 20 March 2024. DAERA officials regret that they inadvertently gave incorrect information to the Commission on this matter at the meeting. Officials are mindful of adhering to the Civil Service Code and did not intend to mislead the Inquiry. This mistake has now been rectified by the information provided and officials have offered sincere apologies to the Commission. DAERA officials recognise the fundamental importance of the Commission being able to rely on the factual accuracy of answers.

A formal response has now been issued to the WAC along with the sincere apologies for the provision of incorrect information. My officials will engage, as appropriate, with the WAC on next steps.