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OUR REFERENCE

2021/WHR01
2021/WHR02
2024/WHR01
2024/WHR02

YOUR REFERENCE

TC 080/20_1
TC 081/20_1
AIL 2024/0008
AIL 2024/0009

██████████
Chief Executive
NIEA

By Email

DATE

25/02/2026

Re: Requests for a Public Local Inquiry under Schedule 1.3(4) of the Water (Northern Ireland) Order 1999 for application TrC 080/20_1 & TrC 081/20_1 and Regulation 17 of the Water Abstraction and Impoundment (Licensing) Regulations (Northern Ireland) 2006 for application AIL 2024 0008 & AIL 2024 0009

Dear ██████████

We refer to your letter of 10 February 2026.

The Commission has set out its position in previous correspondence in respect of the late submission of evidence and the publication of information outwith the public inquiry process. I will not rehearse the standpoint again.

It is however deemed necessary to address three matters raised in your letter.

Firstly, it is incorrect to say that there are a number of applications before the Commission as this infers that the Commission is processing the applications. This is not the case as the Commission is not a first instance authority. NIEA called the public inquiry and in doing so, tasked the Commission to consider the representations made in respect of the applications and deliver a report to you as referring authority to make a decision. The Commission has set procedures in place to ensure the efficient conduct of proceedings. The Commission has no legal remit beyond that outlined, and we ask that you reflect on the terminology you use as it could lead to confusion especially for third parties.

Secondly, contrary to the assertions in your letter, the Commission did not rule out the possibility of any further written material. In our letter of 4 February 2026, we provided NIEA with the opportunity to confirm if such information was necessary in the context of the public inquiry process. Despite having made material available to the public outside the confines of the public inquiry, you have chosen not to avail of this opportunity. Whilst you state your intention in publishing information on your website is to 'assist the commission to robustly explore the relevant facts as part of a transparent inquiry process', such a process is facilitated when all parties adhere to the confines of the public inquiry procedure as set out by the Commission.

Lastly, the public inquiry is not a mechanism to process the applications. This is not its function as prescribed in the legislation. It is certainly not the role of the Commission to facilitate such actions. All referring authorities have had the opportunity to ensure that all the necessary information required was before them prior to calling the public inquiries. Failure to do so has already led to one postponement request to enable the carrying out of transboundary consultation, adding further cost to the Commission which has already recorded a spend of over £500,000 in progressing the conjoined public inquiry. Rest assured, we will continue to conduct the public inquiry proceedings in an open, fair and transparent manner.

Yours sincerely,


Chief Administrative Officer
On behalf of the Water Appeals Commission