

Regional Planning Policy & Casework



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Your Ref: 2021/C005 - 2021/C007

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Dear PAC Programme Officer

Please find a copy of the A5 WTC Court of Appeal judgement [2026] NICA 42 for information. The judgment was delivered orally on 6 October 2026, when a written summary was issued, and was subsequently provided by the Court of Appeal in full written form on 19 October 2026. This judgment is a recent binding legal authority addressing, amongst other matters, the interpretation and application of section 52 of the Climate Change Act (Northern Ireland) 2022

Also attached to this correspondence is a link to the Public Consultation on Northern Ireland's draft Climate Action Plan 2023-2027 by the Department of Agriculture, Environment and Rural Affairs. Whilst the public consultation on the draft Climate Action Plan 2023-2027 has concluded, the Department submits that the draft Plan may be of assistance in understanding the legislative and policy context relevant to matters considered by the Court of Appeal in the A5 WTC judgment.

Any consideration of the draft Plan should, however, take account of its status as a consultation document which remains subject to review and finalisation following consideration of consultation responses. With regard the Commission's published Procedures for the Curraghinalt Project, the draft Climate Action Plan 2023-2027 is provided as a contextual document and does not introduce any new matter into the proceedings.

<https://www.daera-ni.gov.uk/articles/northern-irelands-draft-climate-action-plan-2023-2027>

Both the A5 WTC judgment and the draft Climate Action Plan reference will also be uploaded to the Curraghinalt Project Public Local Inquiry website at:

www.infrastructure-ni.gov.uk/topics/dalradian-curraghinalt-project so all interested parties have access to, and an opportunity to review, the material should they wish to do so.

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