

**Procedures for
Public Local Inquiries
into a Dual Carriageway Scheme
in the A5 Western Transport Corridor**



Planning Appeals
Commission

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Introduction

[1] The Department for Regional Development, Transport NI has asked the Planning Appeals Commission to hold public local inquiries into its scheme for a dual carriageway in the A5 Western Transport Corridor.

[2] Although this booklet is not an exact statement of the law, the information it contains is intended to assist those taking part in the inquiries. The procedures set out below are based on the principles of openness, fairness and impartiality which the Commission practises. All are required to follow these procedures and have a duty to act in a fair and reasonable way and to respect rulings by the Commission and/or Commissioners.

[3] If, having made representations relating to the A5 scheme, you need help to present your case at the inquiries, you may wish to contact a professional adviser.

The Planning Appeals Commission

[4] The Planning Appeals Commission is a statutory tribunal, independent of any government department or agency. It is committed to ensuring that the inquiry process is as user friendly as possible and involves the best use of resources. Members of the Commission are public appointees and are called Commissioners. They have varied backgrounds and qualifications including town planning, architecture, environmental science and law. Administrative staff are responsible for the Commission's day-to-day work. While they are available to deal with queries from the public about procedures, they are unable to comment on the merits of the scheme or individual representations.

[5] All information presented to the Commission is processed in accordance with the Data Protection Act 1998 (see Appendix 1).

The Inquiries

[6] The inquiries will be held under the Roads (Northern Ireland) Order 1993. They will consider representations made in relation to each of the following matters:-

- the environmental statement prepared in association with the scheme;
- the draft order classifying the proposed dual carriageway as a trunk road;
- the notice of intention to make a vesting order; and
- the draft order providing for the stopping up of private accesses.

[7] Although from a statutory perspective there will be four separate inquiries, the proceedings will run concurrently. Participants will experience the event as if it were one single inquiry and it will be referred to as such for the remainder of this document.

[8] The Commission is responsible for organising the inquiry. Appendix 2 sets out the main events. The Chief Commissioner will appoint a number of Commissioners to conduct the inquiries. The Commissioners will prepare a report for Transport NI in which they will consider all the main issues and set out their recommendations.

Pre Inquiry Meeting

[9] To ensure that the inquiry runs efficiently, the Commission will organise a pre-inquiry meeting. The purposes of the meeting will be to outline the arrangements for the inquiries and to deal with procedural queries.

Notification of Arrangements

[10] Transport NI will forward to the Commission copies of all representations it receives in response to its public consultation process which commenced in January 2016. There will be no need for anyone who made representations through that process to correspond separately with the Commission in order to register an interest.

[11] The Commission will write to everyone who made representations during the consultation process and also to Transport NI, advising them of:-

- the time and place of the inquiry and pre-inquiry meeting;
- the arrangements for submitting written evidence; and
- the way in which the inquiry will be conducted.

[12] A questionnaire will be enclosed with the letter to those who made representations, asking them to indicate how they wish their comments to be considered. There will be three options:-

- A. rely on your original representation and take no further part in the inquiry;
- B. submit written evidence and take no further part in the inquiry; or
- C. submit written evidence and participate in the inquiry.

If on your questionnaire you nominate an agent to represent you, the Commission will correspond with your agent and not with you.

People with a Common Cause

[13] Please note that the Commission will consider all representations made during the 2016 consultation process unless they are withdrawn. Even if you do not attend the inquiry, the Commission will still take your comments into consideration.

[14] The substance of the representations is of more significance than the number of people making representations and it is advantageous for people sharing a common cause to pool resources. The Commission encourages parties to join together to prepare written evidence. Spokespersons can be chosen to discuss particular issues on behalf of the group. The spokesperson can be assisted by the group at the inquiry. Similarly, agents representing people pursuing the same cause will be expected to co-operate with one another.

Written Evidence

[15] Transport NI will be invited to submit written comments on each representation, which should be confined to no more than **1,500 words** per representation. The comments will be sent to the people who made representations and they will have an opportunity to respond in writing. Responses should also be confined to no more than **1,500 words** per representation. Copies of all responses received will be forwarded to Transport NI for information.

[16] Response statements should be fully comprehensive and include **all** the points you wish to rely on, **all** the evidence to support your case (including the evidence of all your witnesses), a list of documents referred to, and any relevant maps (A3 or A4 size only) and photographs. Appendices may be used for supporting information but argument must be confined to the main body of the statement.

[17] Written evidence may be submitted electronically but if any material is submitted in paper format, at least **four** copies must be provided. **All written evidence must be submitted within the deadlines set by the Commission.** Ten working days before the inquiry, all written evidence will be made available for inspection at the Commission's office.

[18] Parties seeking to introduce new issues at the inquiry will have to persuade the Commissioners that they are relevant issues and that they could not have been dealt with in the written evidence. The introduction of such late evidence is to be avoided as it could result in delays.

What will Happen at the Inquiry?

[19] The Commissioners will conduct the inquiry openly, fairly and impartially. It will run smoothly if everyone co-operates with the Commissioners. All participants have a duty to act in a reasonable way and to respect rulings by the Commissioners. The Commissioners will direct when people should speak or ask questions and any problems should be raised with them **in public** at an appropriate time during the inquiry. They will ensure that all parties are given an opportunity to express their views.

[20] The inquiry will be conducted on a topic or site-specific basis. The Commissioners will set out the order of business in an agenda. They will lead a round table discussion on each topic or site. Before moving on to the next topic, they may give all parties an opportunity for formal questioning or submissions to address any matters which were not covered in the round table discussion. However, as a general rule, they will not permit questioning between parties who are pursuing the same issue unless there are significant differences in views between them.

Observing the Inquiry

[21] If you are not participating in the inquiry but just wish to observe you may do so. The inquiry is a public forum. All statements are made in public and all documents presented become public. The press may attend but there will be no live coverage on radio or television. Proceedings may be recorded only with the prior permission of the Commissioners and copies of the recording must be provided for the Commission and all who request them.

[22] If anyone wishes to attend the inquiry to observe or take part and has special needs such as a requirement for disabled access, he or she should contact the Commission at an early stage so that appropriate arrangements can be made.

Close of the Inquiry

[23] When all the evidence has been heard, the Commissioners will close the inquiry and indicate when they expect to deliver their report to Transport NI. They will examine all the evidence presented by all the parties, visit sites along the proposed route, and prepare the report. If there is to be an accompanied site inspection, all interested parties will be invited to attend and arrangements will where possible be made before the close of the inquiry. The report will not summarise the evidence presented but will set out the Commissioners' reasoned consideration of the main issues and their recommendations.

[24] The Department for Regional Development, Transport NI is required to consider the Commission's report before it makes final decisions in relation to the A5 scheme, but is not obliged to accept the Commission's recommendations. Release of the report will be a matter for the Department.

Complaints

[25] Details of the Commission's complaints system are provided on its website www.pacni.gov.uk and on a leaflet which is available on request.

Appendix 1

DATA PROTECTION AND FREEDOM OF INFORMATION

The Data Protection Act regulates the processing of information relating to individuals, including the obtaining, holding, use or disclosure of such information. The Commission is fully committed to complying with the Act.

The Commission receives a range of personal information from a number of sources, which falls within the remit of the Data Protection Act. This includes representations about development proposals. The information received by the Commission varies but may include:-

- details of an individual's name, address and occupation;
- information about the health, personal or family circumstances of an individual; and
- an individual's opinions about a development proposal.

This information is held and considered by the Commission in accordance with the principles set out in the Data Protection Act. It is only used by the Commission for the purpose for which it was provided. It is only retained as long as reasonably necessary, usually no longer than three years from the completion of the Commission's work. However, all Commission reports and decisions must have clear reasons for the conclusions reached and it may be necessary to refer to an individual's personal or family circumstances in a report or decision, which may be retained indefinitely.

The Commission is a tribunal and must operate openly, fairly and impartially. All documents on casework files can be viewed by any member of the public, under the Commission's supervision.

An individual should therefore only provide personal or sensitive information that he/she accepts will be available to the public. No-one should present personal information about other people without their consent. Information provided will not be vetted or redacted by the Commission because of its role to carry out its functions as an independent decision maker in an open, fair and transparent manner.

Under the Data Protection Act, an individual can request access to his/her personal information held by the Commission. Such requests should be in writing and sent to the address below. There is a charge of £10 for requests and the person making the request will also need to send proof of identity.

A request made under the Data Protection Act should include:-

- the specific information which is being sought;
- who you are and how you can be contacted;
- how you would like to receive the information.

Please also identify any accessibility requirements you may have and if you need to receive the information in a particular format, for example, large print, Braille etc.

You are entitled to a response to your request within 40 calendar days. It is in the Commission's and your interests to hold accurate data. If the data is inaccurate, you can ask us to erase, amend or add to the information though you should note that personal or family circumstances referred to in a Commission report or decision cannot be changed. There will be no charge for this.

Any complaints about how the Commission dealt with requests about information will be processed in accordance with the Commission's Complaints System which is published under Publications on the Commission's website. These complaints will not be reviewed by the Complaints Audit Panel, see below.

If you remain dissatisfied with the Commission's response to your information request you may contact the Information Commissioner at

51 Adelaide Street
BELFAST BT2 8FE
Telephone number: (028) 9026-9380
Fax number: (028) 9026-9388
email address: ni@ico.gsi.gov.uk; or
website address: www.ico.gov.uk.

Requests for access to personal information should be sent to

The Chief Administrative Officer
Park House
87-91 Great Victoria Street
BELFAST BT2 7AG
Telephone number: (028) 9024-4710
Fax number: (028) 9031-1338
e-mail address: info@pacni.gov.uk
website address: www.pacni.gov.uk

The Commission reviews its procedures regularly to ensure continued compliance with the Data Protection Act.

Freedom of Information Act - The Commission is not identified as a Public Authority under the Act. The Environmental Information Regulations 2004 apply to any body that has public responsibilities relating to the environment, exercises functions of a public nature relating to the environment or provides public services relating to the environment. This could include the Commission but the Regulations do not apply to the extent that the Commission is acting in a judicial capacity. Nonetheless, as a tribunal which operates openly fairly and impartially, the Commission seeks to comply with the spirit of the Act and Regulations.

Appendix 2

THE INQUIRY: THE MAIN EVENTS

Transport NI requests the Commission to conduct the inquiry and forwards copies of the representations it has received about the scheme.

The Commission notifies all interested parties of the arrangements for the inquiry. Those who made representations are invited to complete questionnaires indicating how they wish to participate.

The Commission holds a pre-inquiry meeting at which arrangements for the inquiry are discussed.

Transport NI submits written comments on each representation. These are copied to those who made the representations.

Written responses are submitted to the Commission. The Commission sends copies of the responses to Transport NI for information.

The Commissioners conduct the inquiry.

The Commissioners prepare the inquiry report.

The Commission sends the inquiry report to Transport NI.

Transport NI considers the report and recommendations.

Transport NI announces its final decisions on the scheme and publishes the Commission's report.

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