

## **DRAFT NORTHERN AREA PLAN 2016: EXAMINATION IN PUBLIC**

### **Opening Remarks for Stage 2-Site Specifics** **(23 January 2012)**

#### **Welcome and introduction**

1. Good morning and welcome to the opening of Stage 2 of the draft Northern Area Plan 2016 Public Examination. My name is George Scott and I am a member of the Planning Appeal Commission, a statutory tribunal independent of any Government Department or agency. The draft development plan was prepared by the Department of the Environment under Part III of the Planning (Northern Ireland) Order 1991. Following its publication in May 2005, the Department received representations from over 5,000 respondents, raising in many cases multiple issues. In September 2010 the Department requested the Planning Appeals Commission to conduct an Independent Examination of the draft plan.
2. Having completed the first stage of the process, dealing with strategic matters, in October of last year, this next stage of the examination will focus on site –specific objections. There are a number of general announcements and procedural issues I wish to deal with before we proceed to the first session of the Examination and I would appreciate your attention and patience for the next few minutes.
3. My colleagues, Commissioners Rosemary Daly and Diane O'Neill, will lead the Stage 2 Examination although I will, from time to time, be observing and participating in the process. Can I, as a point of information, remind you that Commissioner Daly's husband is a Planner with the Department of the Environment, currently working in the enforcement section based in the Craigavon Office. Her husband has had no involvement at any stage with the draft Northern Area Plan. Like all Commissioners Ms Daly cannot discuss the work of the Commission with anyone outside the Commission and that includes her husband, notwithstanding that he is not personally involved in the plan in any way. The Commission is therefore satisfied that Ms Daly's impartiality is not prejudiced by her participation in the examination process.
4. As I explained at the last Pre-Examination meeting, back in November, this stage will be examining site –specific issues only, as raised in objections submitted to the Department of the Environment and as further set out in written evidence submitted to the Commission by those parties who opted for Option C in dealing with their objections. We have noted that many of the parties, including the Department, have repeated elements of strategic arguments in their submissions for Stage 2, notwithstanding our clear advice not to do so. The time and opportunity to advance such strategic arguments passed when Stage 1 of the Examination was closed. We will not consider or take into account strategic information or arguments that parties have sought to put before us in their stage 2 statements and will focus on the arguments that relate solely to site-specific matters. Please do not therefore seek to raise arguments of a strategic nature during the ensuing examination.
5. Please also remember that your evidence and arguments must relate to and be confined to matters raised in the original objection submitted to the Department. Thus if you originally sought the inclusion of land solely for industrial purposes you cannot at

this stage seek its inclusion for a different purpose, such as for housing. While you may reduce the extent of the objection site and the scope of the objection you cannot seek to include lands that were not originally identified or to which you or your client did not object to in the first place. The Commissioners will raise such matters where they become aware of them.

6. As Commissioners, we have three main objectives as we enter the examination:-
  - a. first and foremost to conduct a fair Examination;
  - b. to gather all relevant information; and
  - c. to keep the Examination moving at a reasonable pace.

There are no formal rules governing a Public Examination and the rigid procedures of a Court of Law do not apply. Topics will be heard on the basis of round-table Commissioner-led discussion and we expect everyone to speak only through the Chair. We will ensure that all who requested a hearing are given an opportunity to express their views and to ask and answer questions. We will check at the end of each Topic session that everyone is content that they have had a fair hearing. Any problems with procedures should be raised with us at an appropriate moment and when all the parties are present. The co-operation of all parties will ensure that the Examination runs smoothly and hopefully within the allocated time identified in the published programme.

7. Following completion of this Stage, we will consider all objections using the written representations procedure (Options A and B) before we collectively prepare a report with recommendations to the Department. An Indicative date for the completion of our report will be announced at the closure of Stage 2. Our report will be advisory only as the Commission is not the final decision maker on the content of the plan. The 1991 Planning Order empowers the Department, after considering the objections addressed in the Commission's report, to adopt the plan in whole or in part, with or without modifications, or to reject it.

### **Stage 2 Examination Programme**

8. The Stage 2 final Examination programme was put on our website at the start of last week. You will note that all of the Examination will take place within these buildings, starting with Coleraine District this week and running in parallel with Ballymoney from next Monday until Tuesday the 14<sup>th</sup> of February. The examination of objections within Limavady council area will commence on Monday the 12<sup>th</sup> of March 2012 and for Moyle on Tuesday the 13<sup>th</sup> of March 2012.
9. The Programme only includes those objectors who have requested a hearing (Option C) and who have submitted further written evidence. After the closing date for the submission of evidence the Commission wrote out to those parties who had not made submissions indicating that their objection would be treated under the option A procedure unless we heard from them. Our thanks to those agents who responded and confirmed that certain objection elements could be treated as Option A. Some parties subsequently indicated their intention to be present and to possibly participate in the examination. They will be facilitated within the existing programme but are not specifically listed in it as the Commission's previous experience has been that such

parties do not always turn up and often fail to notify us of this in advance, thereby wasting everybody's time unnecessarily. Can I ask all parties that if you have changed your mind about participating in any of the Topic sessions that you let us know as soon as possible to avoid wasting everybody's time. If you have any queries about the Programme during the course of the Examination please feel free to contact the Programme Officer, Beth English, at the Commissions office in Great Victoria Street in Belfast or by telephone or e-mail.

10. Each hearing day will commence at 10.00am. There will be a break for lunch of around 45 to 50 minutes. Each session will address at least one topic. For most of the days a number of topics have been identified for discussion. Other than the commencement time for the first of these topics, **no specific time has been identified for the start of discussion of the subsequent topics**. When discussion on a topic is complete, the examination will move on to the next topic. There may be a short break between topics but participants should ensure that they are present when the topic that they are eligible to participate in comes up for discussion. The start of the following session will not be delayed pending the arrival of parties who have indicated their intention to participate but who are absent at the outset. We hope to finish each evening at 4 to 4.30pm but if discussion is unduly protracted we are prepared to sit later. If any sessions are not finished on the allotted day these will be reallocated to Friday of the same week. While this is unlikely to be necessary participants will be expected to keep Fridays free and alternative arrangements will not be made for those who fail to do so. If you have any queries about the programme in the course of the inquiry, please feel free to contact the Programme Officer, Beth English.
11. The Commission is indebted to Ballymoney Borough Council for allowing us to use their premises for the examination. We expect these facilities to be respected so please leave the rooms as you expect to find them. Please enter only those rooms that are in use in connection with the inquiry and avoid going into other parts of the building.

**George Scott**  
**Principal Commissioner**

23 January 2012