

**Draft Northern Area Plan 2016**  
**Third Pre-Examination Meeting on 29<sup>th</sup> November 2011**  
**in Ballymoney Town Hall at 6.30pm.**

**Slide 1- Background heading**

- Good Evening and a very warm welcome to the Third Pre-Examination Meeting for the draft Northern Area Plan. Thank you for attendance.

**Slide 2- Introductions**

- As many of you will know by now my name is George Scott and my colleagues are Rosemary Daly and Diane O'Neill. We are all Commissioners with the Planning Appeals Commission, an appellate body completely independent of the Government or any of its agencies.
- The Programme Officer for the Examination, Beth English, who is an administrative officer in the Commission, is also present this evening and is accompanied by Jennifer Millar. Beth is of course your main point of contact with the PAC, either by the telephone or by email, should you have any subsequent queries about the Examination process.
- If anyone has any questions perhaps you would be good enough to hold them until the end of the presentation, which will last about 15-20 minutes.

**Slide 3 – Purpose of the Meeting**

- As many of you will be aware Stage 1 of the Examination, dealing solely with Strategic Issues throughout the Plan Area, was completed at the end of the first week in October. Evidence and arguments on strategic matter is therefore closed. This was made clear at the end of discussions on each topic and also at the close of the Strategic session. It would, however, appear that some of the parties in the process have not quite grasped this point, which I will come back to later. Let me reaffirm though that the time and opportunity to advance strategic arguments has now passed. On a more positive note can I say that from our perspective the Stage 1 Examination ran very

smoothly. Our thanks to all who participated in proceedings at Stage 1 and especially so for the positive, helpful and courteous manner in which arguments from all sides were put to us.

- The focus of tonight's meeting then is to deal with the second stage of the Examination process, that of site specific issues. Firstly we will set out the arrangements for the submission of rebuttal evidence for those who have chosen Option B for their objections and
- Secondly we want to outline the programme and arrangements for the public examination of the Stage 2 topics for those objectors who are proceeding by Option C. Can I emphasise that we will not be discussing the merits of individual objections this evening. That will be a matter for the Examination itself.

#### **Slide 4 - Written Submissions Stage 2**

- The closing date for the submission of written evidence for Stage 2 was Monday the 14<sup>th</sup> of November. As we had previously requested parties made their submissions to the Commission by e-mail. Can we unreservedly apologise to those of you who encountered any problems with the e-mail service on the deadline date. The number of simultaneous submissions that were made would seem to have jammed up the electronic system and as a result your e-mail submission may have been bounced back to you. If you encountered that problem thank you for your patience while our administrative staff sought to make alternative arrangements. Because of the technical problems the time deadline for submissions was slightly extended to accommodate those who had encountered problems in getting their submissions to us. The deadline has now however passed and no further stage 2 submissions should be made. Apologies again for any inconvenience caused!
- All written submissions, from both the Department and Objectors, can now be viewed on the Commission webpage. They will be found on the PAC Home Page by clicking on the Public Inquiries/Examination hyperlink under the draft Northern Area Plan title.

- Having accessed the Northern Area Plan page you will find that there are spreadsheets for each of the four council areas with separate sheets for Options B and C. Within each spreadsheet there are tabs along the bottom identifying the various objection topics for each district. A list of topic titles is provided separately on the webpage for each district. Once you have identified the topic you are interested in you can then check what submissions have been made for it and access the submissions by clicking on the hyperlinks. The written submission will be placed opposite the objector's name in the column to the extreme right, headed Objector's Written Submission. The Department's written submission for the topic can also be found to the right hand side of the spreadsheet. When you access these spreadsheets you will quickly realise that there are multiple topics but that there are no written submissions from objectors on many of the topics. The reason for this is that some objectors objected to virtually every policy in the plan and indicated to the Commission that they wished to have the opportunity to appear before the Examination to present their case. Clearly that has not transpired to be the case and I will discuss some of the ramifications of this shortly. The long and short of it is that we had to make provision for the possibility that submissions would be made for each of the topics, hence the sheer number of them.

Now that the submissions can be viewed on the website can we ask objectors and their representatives to check that the hyperlinks have been attached correctly? A number of submissions have failed to identify the objection element to which the evidence relates to and in some cases the wrong topic numbers have been identified. While we have endeavoured to correct these it would help if parties checked the information and alerted us as soon as possible to any concern. Please therefore check the website on a regular basis as we update it as the information becomes available to us.

- Option B objectors (i.e. those who have elected to proceed by written submissions only and who will not be taking part in the Examination) who made a Stage 2 written submission, are entitled to make a further written submission if they wish to respond to the comments made by opposing parties. This is called a rebuttal statement, which must be submitted electronically to the Commission by not later than **4pm on Monday 19<sup>th</sup> December 2011**. Please try and make your submissions in advance of that date if at all possible. Remember rebuttal statements can **only** be made by those who have chosen Option B as their preferred means of dealing with their objection. The Department can also rebut evidence submitted by those who have selected Option B. Evidence in rebuttals should, as the name implies, focus on points of contention or disagreement. There is nothing to be gained from repeating arguments already made in your initial submission. As with all submissions the rebuttal statement should not exceed 1500 words and paragraphs and pages should be numbered. The front cover and the top of each page should clearly state the objection number being covered and, very importantly, the element within it. The objector's name and the number of the Topic being addressed should also be clearly identified.
- **Please remember that OPTION C OBJECTORS cannot** make a Rebuttal submission as they will be able to comment on evidence from opposing parties at the Public Examination itself.

Let's now have a closer look at the draft programme for the Stage 2 Examination

#### **Slide 5- Public Examination: Stage 2**

- Based on the Option C written submissions we have prepared a draft programme for the Examination. You should have received a copy of this as you arrived this evening and we will place it on our webpage. As I hinted at earlier, there are a considerable number of objections and also elements within objections for which Option C written

submissions were not made before the 14<sup>th</sup> of November deadline. As in Stage 1 we will be writing to those parties very shortly advising them that in the absence of any response to the contrary their objections will be re-classified as Option A, i.e. relying on the original objection submission to the Department. In the interim the draft programme has been drawn up on the basis that those parties who did not respond before the deadline will not now be seeking to appear before the Examination. Can I acknowledge that a number of agents have most helpfully indicated to us objection elements within objections that they no longer propose to exercise Option C rights on. These will be identified on the spreadsheets. We very much appreciate your cooperation and assistance in this respect and would ask that any further changes in option choices be notified to us as soon as possible. Remember, while you can chose to change to Option A, you cannot at this stage seek to change from options A and B to option C. If you have made an Option C submission and now wish to revert to option B you need to let us know before the end of this week in order that the department can have sufficient time to make a rebuttal statement before the December 19<sup>th</sup> deadline. You can of course withdraw your objection in totality or elements within it and if that is in your mind please advise us in writing as soon as possible.

- Given that the number of parties submitting Option C submissions is much lower might have been expected we propose to conduct all of the examination proceedings here in Ballymoney Town Hall where there is more than adequate accommodation to deal with the running of parallel sessions dealing with two districts at a time. The Public Examination into Stage 2 will therefore commence on Monday 23<sup>rd</sup> January at 10.00 and will start with objections relating to the settlement of Coleraine. These will be conducted by Commissioner Daly. The following week, beginning the 30<sup>th</sup> of January, objections relating to the town of Ballymoney and other settlements within the district will be heard by Commissioner O'Neill in parallel with sessions dealing with other settlements in Coleraine District. At this stage we anticipate concluding stage 2 proceedings for objections relating to Coleraine and

Ballymoney districts by Wednesday the 15<sup>th</sup> of February. There will then be a break in proceedings until Monday the 12<sup>th</sup> of March, at which point the examination into objections for Moyle and Limavady Districts will proceed over the following two weeks in simultaneous sessions ending on the 21<sup>st</sup> of March. The Draft programme is our current best estimate of the time needed to accommodate all those objectors who have indicated that they wish to participate. Further revision may be required to try and make the most efficient use of time and resources so please don't go away from here tonight and assume that you have the definitive programme. The final version of the programme will be placed on the PAC website at the start of the New Year and will provide more detailed information such as topic titles and the identity of the objectors. With concurrent hearings there may be programme clashes for some consultants. As we have previously intimated most agents should be able to deal with such an eventuality but if you alert the Programme Officer about any potential difficulties we will consider the arguments put to us. Any such requests must be made as soon as possible and before we finalise the programme.

- As with Stage 1 the Examination will take the form of a round table discussion led by a Commissioner. The Topics to be discussed on each day of the Examination are listed on the Programme.
- Each session will involve the Department and the objectors and any remaining counter-objectors who have indicated their intention to take part in the Public Examination. One representative for each party eligible to take part in the discussion will be allocated a place around the table and will be given an opportunity to contribute to the discussion. Repetition of points made by others is unnecessary. Can I remind counter-objectors that you may only participate in the Examination process if the party you are objecting to is also appearing before the Examination and you have previously indicated to us that you still wish your counter-objection to stand? As I have already indicated we will identify the objections due to be considered for each topic in the final version of the programme.

- Each session will address a number of topics that will usually, but not always, be linked by geographic location. No specific time will be identified for the commencement of topics on a given day and it is the responsibility of individual participants to ensure that they are present when the topic that they are eligible to participate in comes up for discussion. Sessions will not be delayed pending the arrival of parties who have indicated their intention to participate but who are absent when the discussion opens. The presiding Commissioner will not allow late arrivals to revisit points already made by other participants. Please note that if no one turns up to represent an objector at a particular session, the Commissioner may raise relevant questions with the Department to clarify any factual matters in relation to that objection.
- The Public Examination will commence at 10am each day and with a break for lunch, will continue until approximately 4.00pm Monday to Thursday. Discussion beyond 4.00pm may occur if a session can be completed within a reasonable time on the day. If discussion of a topic or group of topics cannot be completed within the allocated date or dates, the session will be continued on the Friday of the same week to ensure the overall programme does not slip. Parties should therefore ensure that they leave their diaries free for any over-runs and having been forewarned of such a possibility we will not accept excuses of non-availability.

### **Slide 6-Presentation of Evidence at Stage 2 Examination**

- While we haven't had sufficient time to look in detail at all the written submissions for Stage 2 it is clear that despite previous advice and warnings from us some parties have sought to make arguments and to include evidence that is of a strategic nature, whether interwoven into their main submission or by means of appendices. As I have already made clear this evening the time and opportunity to make strategic arguments has passed and there is no mileage whatsoever in going over old ground. We have considered returning some of the submissions, seeking deletion of references to strategic matters. Instead though we

have taken the pragmatic view that we will not consider or take into account any strategic information or arguments that parties have sought to put before us and will focus solely on the arguments that relate to stage 2 site specific matters.

- Let's be absolutely clear about this, in case there is any misapprehension, the stage 2 examination will be dealing with site specific and site specific matters **only**. There is no point, then, in turning up at the Stage 2 examination seeking to make general arguments that a particular settlement needs additional land for development or that its settlement hierarchy is incorrect. Those are strategic arguments that have already been advanced and heard at Stage 1. What we want to hear from objectors are site specific arguments, arguments like:
  - i. Does the site have natural boundaries?
  - ii. Is the site suitable for development-is it flat or well drained, should it be used for the purpose identified in the draft plan?;
  - iii. Can the site be readily linked to existing infrastructure;
  - iv. Does the site lie into the physical form of the settlement?
  - v. Does it have previous planning history for development?
  - vi. Can a safe means of access be readily achieved?
  - vii. Are the specific Key Site Requirements put forward in the draft plan appropriate for the objection site?

These are just some of the many arguments we anticipate hearing at the Examination. Hopefully it gives you a flavour of the sort of issues you should be focusing on.

- Continuing on the theme of what information is appropriate and relevant for consideration at the Stage 2 Examination it is also evident from the submission documents that some objectors have included a level of detail that would be more readily associated with a planning application for a specific development proposal. Please remember that this particular process is the examination of a development plan wherein we will be considering the principle, and I emphasise the word principle, of whether, for example, a particular site or parcel of land should or should not be included within the development limits of a settlement. The

- In summary, the best advice I can offer you in preparing for the examination is to be focussed in your arguments, tell us what is wrong with the Plan and how it should be modified to address those concerns and remember your evidence and arguments must relate to and be confined to matters raised in the original objection. It may seem obvious but if you originally sought the inclusion of land for industrial purposes you cannot at this stage seek its inclusion for housing purposes. Similarly if you didn't make the original objection yourself or you weren't acting as agent in the original objection we need verification that you are now authorised by the original objector to pursue the matter. A verbal confirmation will not suffice. We need confirmation in writing if you haven't provided this to us previously. Make sure you update us on any changes in personnel at the earliest possible date as otherwise we may not be able to hear your representation at the Examination.

#### **Slide 7-KEY DATES**

- Finally, in drawing proceedings to a close can I just remind you of a few key dates and times? The Option B Rebuttal statements must be submitted by 4 pm on the 19<sup>th</sup> of December 2011
- The Stage 2 Examination for Coleraine District will open on Monday the 23<sup>rd</sup> of January 2012 here in Ballymoney Town Hall at 10.00am. The Ballymoney sessions will commence on Monday the 30<sup>th</sup> of January and the Limavady and Moyle hearings will start on Monday the 12<sup>th</sup> of March.
- One final reminder-check the details on our website-if you think anything is incorrect or is missing then please advise us as soon as possible. Please don't leave it until a few days before the Examination to query the

information displayed on your objection. As usual we will post copies of this evening's presentation and speaking notes on the website.

Before I formally close the meeting are there any points of clarification that that anyone wants to raise with us? We will be available after the meeting closes but remember we can't discuss the merits of individual objections with anyone-those are matters for public discussion at the Examination.

If there are no other questions or comments may I bid you goodnight and thank you for your interest and attendance?

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