

Planning Appeals Commission

Procedures for Public Local Inquiries and Hearings into Major Planning Applications



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Procedures for Public Local Inquiries and Hearings into Major Planning Applications

Introduction

- (1) Although this booklet is not an exact statement of the law relating to Public Local Inquiries and Hearings the information it contains will assist those taking part in Inquiries and Hearings as applicants, objectors or supporters.

The procedures set out below have been drawn up under Article 111(5) of the Planning (NI) Order 1991. There are based on the principles of openness, fairness and impartiality which the Commission practices. As there are no statutory rules for the conduct of Inquiries, this document sets out Commission procedures. 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 Commissioner.

- (2) If you need help about pursuing representations on a major planning application you may wish to contact a professional adviser. Planning Aid Northern Ireland has been set up by the Royal Town Planning Institute for those who cannot afford professional advice and can be contacted at PO Box 97, Belfast BT 4 2WL.

The Planning Appeals Commission

- (3) The Planning Appeals Commission (PAC) exists under the Planning (Northern Ireland) Order 1991. It is an independent body which, at the request of the Department of the Environment (DoE) conducts Inquiries or Hearings to consider representations. The PAC is not part of any Government Department.

The PAC report on an Inquiry or Hearing can be made by:

- (a) a single Commissioner reporting directly to the DoE, or
- (b) a panel of Commissioners, all appointed to conduct the Inquiry or Hearing reporting directly to the DoE; or
- (c) a panel of Commissioners, including the appointed Commissioner(s) and other Commissioners, considering the appointed Commissioner's report and then reporting to the DoE.

- (4) Members of the PAC are called Commissioners and they are public appointees. They have varied backgrounds and qualifications including town planning, architecture, environmental science and law. They make recommendations to the PAC or the DoE on the outcome of planning applications after studying written submissions from the parties involved and after conducting the Inquiry or Hearing.
- (5) The Commissioner (or the Panel of Commissioners) makes recommendations on the evidence presented to it on major planning applications and, based on that evidence, aims to make recommendations in an efficient manner

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through the most effective procedures appropriate to each application. To do this Commissioners require the co-operation of all involved. The PAC is committed to ensuring that the Inquiry or Hearing process is as user friendly as possible and involves the best possible use of resources.

- (6) Administrative staff are responsible for the day-to-day operation of the PAC's work. While they are available to deal with enquiries from the public about procedures, they are unable to comment on the merits of individual representations or offer advice or guidance on the outcome of the planning application.

The Legislation

- (7) The special procedure for major planning applications is set out in Article 31 of The Planning (NI) Order 1991. Such cases are commonly referred to as Article 31 Inquiries or Hearings. The Planning (Environmental Impact Assessment) Regulations (NI) 1999 may also be applicable.

Role of the Department of the Environment before the Inquiry or Hearing

- (8) The DoE (not the PAC) decides whether a planning application is to be a major planning application – this decision has to be made within two months of the date of the application (or 16 weeks from the receipt of an Environmental Statement if the submission of one is required). Normal procedures for considering planning applications apply including consultation with District Councils.
- (9) Having considered the application, including representations received from the public the DoE must decide whether to request the PAC to hold a Public Local Inquiry or to serve a notice on the applicant indicating the decision which it proposes to make (referred to as a Notice of Opinion). If the applicant requests a Hearing before the PAC within the period specified in the Notice of Opinion, the DoE must ask the PAC to conduct a Hearing.
- (10) In the case of a Public Local Inquiry, while the DoE will be expected to express views on the application, it will not indicate what its decision on the application might be. In a Hearing case the Department will have set out its reasons for refusal or the conditions to be attached to an approval on the Notice of Opinion and will seek to justify these.

When the Department refers a major planning application to the PAC to conduct either an Inquiry or Hearing it also sends the PAC copies of all written representation it has received. There is no need to write separately to the PAC to register your interest in the application as the PAC will write to you setting out arrangements for the Inquiry or Hearing.

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Organisation of the Inquiry or Hearing

- (11) The Inquiry or Hearing is organised by the PAC and the organisation commences when the PAC receives a request from the DoE to conduct an Inquiry or Hearing. An Administrative Case Officer is appointed. The Chief Commissioner appoints a Commissioner or Commissioners to conduct the Inquiry or Hearing and decides the type of report. The Chief Commissioner will decide whether the PAC report shall be made by the Commissioner who conducts it or by a Panel of Commissioners, some or all of whom may be conducting the Inquiry or Hearing. If a Panel is appointed, the Chief Commissioner will nominate a chairman who will have a casting vote. There are two types of report:-
- (a) a **full report** summarises the cases for the parties followed by the Commissioner's or the Panel's reasoning and recommendation for each objection or group of objections;
 - (b) a **short report** does not summarise the cases for the parties but sets out the Commissioner's or the Panel's reasoning and recommendations.

As the PAC is reporting to the DoE it will seek the DoE's view on whether it would prefer a full or short report. The Chief Commissioner will make the final decision on the type of report.

- (12) To enable everyone to submit their evidence in writing before the Inquiry or Hearing starts and to ensure that large Inquiries or Hearings run efficiently, the PAC usually organises three pre-Inquiry or pre-Hearing meetings. For smaller inquiries fewer pre-Inquiry or pre-Hearing meetings may be sufficient. Appendix 1 sets out the main events in organising the Inquiry or Hearing.

Notification of Arrangements

- (13) The PAC writes to the DoE, applicant and all who have made representations (objectors and supporters) informing them of the time and place of the Inquiry, or Hearing and pre-Inquiry or pre-Hearing meetings. A questionnaire is enclosed for objectors and supporters asking them to indicate how they intend to proceed. There is a sample questionnaire at Appendix 2. These questionnaires are used to draw up the programme for the Inquiry or Hearing and it is therefore important that they are carefully completed. If on your questionnaire you nominate an agent to represent you, the PAC will correspond with your agent and not with you.

The PAC will consider all representations on applications unless they are withdrawn. If you do not pursue your representation at the Inquiry or Hearing the PAC will still take it into consideration.

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How to Pursue a Representation

- (14) There are two methods of pursuing representations. You should select **one** of these and indicate this on your questionnaire:
- (a) make a further written submission to the PAC but not take part in the Inquiry or Hearing; or
 - (b) submit a Statement of Case and take part in the Inquiry or Hearing.
- (15) You should indicate how you wish to pursue your representation of objection or support on the questionnaire by ticking Option 2 **or** Option 3. If you do not return the questionnaire by the set date, the PAC will assume that you intend to rely on your original letter of objection or support (Option 1) and no further correspondence about the Inquiry or Hearing will be sent to you.

If you are taking part in the Inquiry or Hearing the PAC expects that all points you wish to rely on and all evidence to support your case (including the evidence of all your witnesses) is set out in your Statement of Case. The introduction of new points at the Inquiry or Hearing should be avoided as it could result in adjournment of the Inquiry or Hearing, wasting everyone's time.

(a) Further written submission but not take part in the Inquiry or Hearing

Tick Option 2 on the questionnaire. Written submissions (4 copies unless advised otherwise) should be sent to the PAC by the date specified by the PAC. These submissions will be circulated to the Department, applicant and any other party holding a different view of the application.

(b) Submit Statement of Case and take part in the Inquiry or Hearing

Tick Option 3 on the questionnaire. Statements of Case should be submitted at the 2nd pre-Inquiry or pre-Hearing meeting for exchange between the parties.

Unless advised otherwise by the PAC there must be four copies of all Statements of Case or written submissions and maps should be A3 or A4 size only.

Objectors or Supporters Pursuing the Same Cause

- (16) The PAC encourages objectors or supporters to join together to prepare Statements of Case and to participate in the Inquiry or Hearing. A single Statement produced jointly is acceptable and spokespersons can be chosen to deal with separate issues and to ask and answer questions or discuss issues on behalf of the group at the Inquiry or Hearing. The Inquiry or Hearing

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spokesperson can be assisted by the group during the Inquiry or Hearing . Similarly, agents representing groups pursuing the same cause should co-operate with one another.

The substance of representations is of more significance than the volume of objectors and supporters and there are advantages for parties sharing a common cause in pooling resources.

- (17) Supporters may consider it appropriate to liaise with the applicant and, if both parties agree, include their views as part of the applicant's Statement of Case rather than making a separate submission.

Statements of Case

- (18) If you are taking part in the Inquiry or Hearing you must submit a Statement of Case at the second pre-Inquiry or Hearing meeting (unless advised otherwise). You must arrange for the required copies to be available for the Commissioner(s) and other parties. Third parties must provide four copies of their Statement of Case (unless advised otherwise) and the PAC will inform the Department and the applicant in writing before the second pre-Inquiry or pre-Hearing meeting of the number of copies they must provide.

Your Statement of Case must be a fully comprehensive document structured on a topic basis; consisting of **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 and photographs. If you are referring to other cases or appeal decisions then full copies of the case or appeal decision must be included. If the Statement of Case is over 1500 words there should be a short summary of the main issues. It **must** be available for exchange at the second pre-Inquiry or pre-Hearing meeting (unless advised otherwise). Advice for both applicants and third parties on preparing a Statement of Case is available in Appendix 3.

Parties, mainly the appellant and the DoE, should seek to agree facts and methodologies and identify areas of agreement and areas of dispute. These should be set out in the Statement of Case and evidence should concentrate on the matters in dispute. The Department's Statement of Case should set out draft conditions on a without prejudice basis and these may be added to in the course of the Inquiry or Hearing.

Parties seeking to introduce new issues at the Inquiry or Hearing will have to persuade the Commissioners that they are relevant issues and that they could not have been dealt with in the Statement of Case. The introduction of such late evidence is to be avoided as it could result in adjournment of the proceedings.

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- (19) You should note, that unless the parties agree otherwise, Statements of Case will only be exchanged at the second pre-Inquiry or pre-Hearing meeting on a reciprocal basis. Therefore, if your Statement of Case is not available for exchange you may not receive copies of other parties' Statements of Case.

The Pre-Inquiry or Pre-Hearing Meetings

- (20) These meetings are held well in advance of the opening of the Inquiry or Hearing to organise the Inquiry or Hearing and to facilitate the submission and exchange of evidence. Pre-Inquiry or Hearing meetings are attended by Commissioners, Administrative staff and DoE officials and are usually held in the late afternoon and occasionally in the evening.

If anyone wishes to attend the pre-Inquiry or pre-Hearing meetings and/or observe or take part in the Inquiry or Hearing and has special needs such as a requirement for disabled access, they should contact the PAC at an early stage so that appropriate arrangements can be made.

- (21) The **first pre-Inquiry or pre-Hearing meeting** is normally conducted by the Chief or Deputy Chief Commissioner accompanied by the Commissioner(s) who will conduct the Inquiry or Hearing. The procedures to be followed at the Inquiry or Hearing are explained and a draft programme for the Inquiry or Hearing based on questionnaire returns may be discussed. This first pre-Inquiry or pre-Hearing meeting also enables objectors or supporters to meet one another, facilitating co-operation if they are pursuing the same point of view.
- (22) The **second pre-Inquiry or pre-Hearing meeting** is generally conducted by a Commissioner and its main purpose is to facilitate the exchange of Statements of Case between the parties. A more detailed Inquiry or Hearing programme may be discussed and any procedural issues arising will be discussed. At this stage the exchange of Statements of Case will be on a reciprocal basis unless the parties agree otherwise.

Objectors or supporters who have indicated that they intend to submit a Statement of Case and take part in the Inquiry or Hearing must attend, or arrange for someone to represent them at, the second pre-Inquiry or pre-Hearing meeting. If you do not attend or are not represented, it will be assumed that you no longer wish to take part in the Inquiry or Hearing.

- (23) The **third pre-Inquiry or pre-Hearing meeting** is conducted by a Commissioner and its main purpose is to facilitate exchange of rebuttal statements (responses) between the parties. The Inquiry or Hearing programme will be distributed and any remaining issues may be discussed.

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If the programme is changed following the third pre-Inquiry or pre-Hearing meeting the PAC will send out the final programme to everyone who is participating in the Inquiry or Hearing as soon as possible after the third pre-Inquiry or pre-Hearing meeting.

Following the third pre-Inquiry Hearing meeting all written submissions, Statements of Case, Rebuttal Statements and other documents submitted by the parties will be public documents and will be available for inspection at the PAC office. If practicable copies may be made available, subject to a charge to cover costs.

The Public Inquiry or Hearing - What Happens?

The Public Inquiry or Hearing is controlled by the presiding Commissioner who will apply the principles of openness, fairness and impartiality. The Commissioner follows accepted PAC practice and procedures though he/she may depart from these if he/she judges it appropriate. The Inquiry or Hearing will run smoothly if all co-operate with the Commissioner. All participants have a duty to act in a fair and reasonable way and to respect rulings by the Commissioner.

- (24) The Commissioner will direct when parties should speak or ask questions and any problems should be raised with him/her **in public** at an appropriate time during the Inquiry or Hearing. The Commissioner will ensure that all are given an opportunity to express their views and to ask and answer questions as appropriate.
- (25) **The Inquiry or Hearing commences** with the Commissioner(s) taking appearances and then proceeds in accordance with the final programme. This will have been issued to all who stated that they wished to take part in the Inquiry or Hearing. Most Inquiries or Hearings will be conducted on a topic basis with strategic and policy issues generally being considered first followed by locational and site specific issues. Each party will present its evidence in turn on the issues. Where issues are not complex or few in number the Inquiry or Hearing is likely to proceed on the basis of parties presenting all of their cases in turn and not on a topic basis. The order is set out in Appendix 4. The DoE may call a range of witnesses from other government departments, public bodies or consultants to present its view of the application or defend the reasons for refusal or imposing conditions as set out in the Notice of Opinion.

Statements of Case, Rebuttal Statements (responses) and other documents submitted in advance are not read out at the Inquiry or Hearing. The Inquiry or Hearing will concentrate on discussing or questioning the points raised in these documents.

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Procedures at the Inquiry or Hearing

- (26) Inquiries or Hearings will generally follow the formal procedure for presentation of evidence and cross-examination, as most major planning applications are likely to raise either complex issues or a wide range of considerations and attract a significant level of third party interest. However, subject to the agreement of the parties some issues (or sub-issues) - for example visual amenity may be dealt with on a more informal basis. This would involve the Commissioner in identifying matters requiring further investigation and leading a discussion on them.

The purpose of the Inquiry or Hearing is to enable all parties to present their views on the application. The presiding Commissioner(s) will ensure that this is done in a way with which the public is most comfortable. The Administrative staff and Commissioners at the Inquiry or Hearing and pre-Inquiry or pre-Hearing meetings will assist everyone with procedures though they will not discuss the planning merits of any case.

Formal Procedure

- (27) **Procedure** – normal procedure for presenting evidence at an Inquiry or Hearing is set out in Appendix 4. The order of taking part in an Inquiry or Hearing is the same.
- (28) **Evidence** is presented in accordance with the programme – there are no opening statements. Statements of Case and Rebuttal Statements submitted in advance of the Inquiry or Hearing are not read out, although parties may briefly summarise the main points of their case and rebuttal. It is not expected that new issues should be introduced at the Inquiry or Hearing and repetition of points is unnecessary as the Commissioner(s) only needs to hear a point once. Further documents (including speaking notes) will only be accepted at the discretion of the Commissioner and if they are accepted, sufficient copies must be available for the PAC and other participating parties. If the parties have reached agreement on aspects of the application of which the Commissioner(s) has not already been informed, these should be identified. Negotiations on agreeing issues should be carried out before the Inquiry or Hearing and prolonged adjournments of the Inquiry or Hearing will not normally be allowed for such discussions.

Rebuttal Statements (responses) should not repeat information contained in Statements of Case but be confined to challenging the case presented by opposing parties. No new issues should be raised but additional information may be presented to refute the arguments of others or clarify issues already raised.

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- (29) **Questioning of evidence** assists the Commissioner in deciding what weight to give to that evidence. Witnesses should expect to have their evidence tested and probed through cross-examination by opposing parties. Questioning will generally take place in the order set out in Appendix 4. It is most useful to the Commissioner when it tests the validity of facts, assumptions, opinions and conclusions and exposes any defects in the witnesses' statements. Don't raise issues through questioning which can be more clearly and concisely covered in direct evidence. Questions to a witness should be clear and brief and witnesses should not be interrupted when replying. If anyone wishes a witness to comment on a document they should give reasonable advance notice of the document and if a comment is requested on an extract from a document, the entire document should be produced at the Inquiry. Persistent and repetitive questions seeking to change the mind of a witness should be avoided. All witnesses must answer the question and can be pressed about their evidence and expert witnesses should expect to face robust questioning. However bullying tactics are out of place and questioning should not be aggressive. Non-expert witnesses should be questioned sensitively. While genuine wit and humour are not out of place, irrelevant asides and sarcasm are unhelpful and must be avoided.

The Commissioner takes an active role in investigating evidence relating to the issues raised and will generally ask questions throughout the proceedings.

- (30) **Questioning by those pursuing the same issue** - as a general rule, the presiding Commissioner will not permit questioning between those parties who are pursuing the same issue; for example an objector may not question other objectors or a supporter question other supporters. There may occasionally be some differences in views between parties even though they are pursuing the same issue. For example, Objector A may present evidence which is unfavourable to Objector B. If this occurs B may apply to the presiding Commissioner to question A.

Some objectors and supporters participating in the Inquiry or Hearing may neither wish nor be able to attend throughout the proceedings. They may however wish to make comments in support of their views by summarising the main points of their Statements of Case and/or rebuttal statements. The Commissioner(s) will facilitate such third parties by arranging a session of the Inquiry or Hearing when they can attend to present their comments.

- (31) **Closing summaries of cases** – generally there will be no oral closing statements by the parties. In some Inquiries or Hearings the parties may be requested to submit a summary of their cases on the proposal. This should take account of points made in evidence presented, points established by questioning and those conceded in questioning. The summary should not exceed 1,500 words, must not include any new evidence and should be submitted to the Commission within two weeks of the close of the Inquiry or

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Hearing. Copies of the summaries will be forwarded by the Commission to the Department and opposing parties for information purposes only. The Commissioner will therefore indicate the number of copies required at the close of the Inquiry or Hearing. The summaries may be used by the Commissioner in reporting thereby effecting a significant reduction in reporting time.

Observing the Inquiry or Hearing

- (32) If you are not participating in the Inquiry or Hearing but just wish to observe you may do so. The updated Inquiry or Hearing programme is available at the Inquiry or Hearing venue and you may also contact the PAC Administrative staff at Park House, Belfast, for further information.
- (33) The Inquiry or Hearing is a public forum, all statements are made in public and all documents presented become public. The press attends occasionally and members of the public may attend as they wish. There is no 'live' coverage of sessions of the Inquiry by radio or TV. Proceedings may be recorded only with the prior permission of the presiding Commissioner and copies of the tapes must be provided for the PAC and all who request them.

If anyone wishes to attend the Inquiry or Hearing to observe or take part and has special needs such as a requirement for disabled access, they should contact the PAC at an early stage so that appropriate arrangements can be made.

Close of the Inquiry or Hearing

- (34) When all the evidence has been heard the Commissioner(s) will close the Inquiry or Hearing. **Submission of new evidence after the close of the Inquiry or Hearing is only acceptable in exceptional circumstances and with the prior agreement of the Chief Commissioner.** All parties concerned will be invited to comment upon such evidence within a specified period. When closing the Inquiry or Hearing the Commissioner will indicate when the Inquiry or Hearing report is expected to be delivered to the DoE.
- (35) The appointed Commissioner(s) will consider all the evidence presented by all of the parties on each issue, will visit the site and will prepare the Inquiry or Hearing report. A **full Inquiry report** will concisely but comprehensively summarise the evidence presented and indicate the Commissioner's reasoned consideration of the issues and recommendation on the application. A full report is always necessary when Commissioners other than presiding Commissioners are involved in deciding PAC recommendations to the DoE. A **short Inquiry report** will not summarise the evidence presented but will indicate the Commissioner's reasoned consideration of the issues and recommendation on the application. A short report may be appropriate when presiding Commissioners are reporting directly to the DoE.

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The arrangements for visiting the site will be explained before the close of the Inquiry or Hearing and but generally the Commissioners visits to the site are unaccompanied. If there is to be an accompanied site visit arrangements for this will be made before the close of the Inquiry or Hearing.

- (36) If the recommendations and advice to the DoE is to be made by a Panel of Commissioners, the Panel may visit the site and surrounding area and, as required by the Planning Order, decides collectively its recommendation to the DoE on the application. The Panel may decide not to accept the advice of the reporting Commissioner(s) if it reaches a different conclusion on the evidence. When this occurs the Panel's reasons for doing so will be set out in its report to the DoE, a separate document which is attached to the front of the appointed Commissioner's report. The reports of the PAC (Panel) and the Commissioner(s) are presented to the DoE. When this happens it is noted on the PAC website. The PAC is required by the Planning Order to report to the DoE, and it is currently normal practice that neither the PAC report nor the Commissioner's report is released to the public at this stage.

Role of the Department of the Environment after the Inquiry or Hearing

- (37) The DoE must take into account the PAC's report of the Inquiry or Hearing before it decides the application but may not accept the PAC's recommendation. The Department will issue a decision and publish the PAC's report.

Complaints

- (38) A complaint is any expression of dissatisfaction, by anyone involved in the process, about the way the PAC handled the case. Complaints must be made within six months of the DoE's decision on the application. A complaint should be made in writing to the Chief Administrative Officer of the PAC and will normally be acknowledged within 7 working days of receipt. Complaints raising issues with a bearing on the merits of an appeal which is still being processed by the Commission will not be responded to until consideration of that case has been completed. In the event of legal proceedings being initiated while a complaint is under consideration, the matter will be addressed through the legal process and not the complaints system.

Apart from the circumstances set out above, complaints will be investigated and a full reply will normally be issued within four weeks. Where this is not possible a holding reply will be issued within the four weeks indicating when a full response will be made.

- (39) All complaints are investigated at management level by persons not directly involved in the matter giving rise to the complaint. Anyone dissatisfied with the written response to their complaint may request a meeting to discuss the matter. Complaint files are open for public inspection.

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- (40) An independent Complaints Audit Panel, consisting of two members appointed respectively by the Royal Town Planning Institute and the Bar Council, reviews the operation of the Complaints System on an annual basis and presents a report to the Chief Commissioner which is available to the public.

Complaints to the Parliamentary Ombudsman for Northern Ireland

- (41) If you have a complaint about maladministration by any member of the PAC's administrative staff you can ask the Ombudsman to investigate the matter. The Ombudsman should be approached through an MLA or MP. The Ombudsman has no power to question the merits of the PAC's or the Commissioner's recommendation on an application.

The Inquiry or Hearing Procedure - The Main Events



Objectors'/Supporters' Questionnaire (Sample)

PUBLIC LOCAL INQUIRY/HEARING Description of Development	PAC REF: REPRESENTATION NO:
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Planning Appeals Commission, Park House, 87-91 Great Victoria Street, BELFAST BT2 7AG
Tel: 028 90244710 Fax: 028 90312536 Website: www@pacni.gov.uk

THIS FORM MUST BE RETURNED TO THE COMMISSION OFFICES BY . IF THE FORM IS NOT RETURNED BY THIS DATE IT WILL BE ASSUMED THAT YOU INTEND TO RELY ON YOUR ORIGINAL LETTER OF OBJECTION/SUPPORT (OPTION 1) AND NO FURTHER CORRESPONDENCE ABOUT THE INQUIRY/HEARING WILL BE SENT TO YOU.

Name of Objector/Supporter:

Address:

Telephone Number:-

E-Mail Number:-

Name of Agent: (if any)

Address

Telephone Number:

E-Mail Number:-

OPTIONS (✓ one box only)

1. I will rely on my original letter of objection/support and will make **no** further submission and will **not** take part in the Inquiry/Hearing.
2. I/my agent will make a further written submission by and will **not** take part in the Inquiry/Hearing.
3. I/my agent will submit a Statement of Case at the 2nd pre-Inquiry/Hearing meeting and will take part in the Inquiry/Hearing.

If you intend to take part in the Inquiry/Hearing would you be willing to join with others adding similar views on the application?

(Please tick one box)

Yes

No

A list of the names of objectors/supporters may be viewed at the Commission offices or obtained from the Commission.

Procedures are explained at paragraphs 20 to 30 of "Procedures for Public Inquiries and Hearings into Major Planning Applications" available from the Commission and on the Commission website.

Advice on Preparing Statements of Case

A Statement of Case **must** be fully comprehensive and contain all the points you wish to make to support your case. It **must** be submitted by the second pre-Inquiry or pre-Hearing meeting (unless advised otherwise by the PAC) for the exchange of Statements between the parties (see paragraph 22 of the main booklet).

The following guidelines are purely advisory and should not be interpreted rigidly.

1.0 Applicants

Your statement may include the following:

- (i) **Background** – it may not be relevant to describe the background to your proposal as the Department's Statement of Case will set out the planning history of your application and you will, if necessary, have an opportunity to comment on this at the hearing. However, there may be background matters which you may wish to highlight.
- (ii) **Site Description** – if the issues raised by the application involve site specific matters you should include a description of the site and its surroundings drawing attention to what you regard as critical factual features.
- (iii) **Issues/Topics** – you should address each issue/topic separately setting out clearly the case for granting planning permission for the proposed development. The matters raised by objectors should be addressed under the appropriate issue/topic heading and, likewise, the Department's reasons for refusal or imposing a condition if it is a Hearing case. **You should state why you consider that the reasons for refusal or imposing the condition are not justified and the concerns of objectors not substantiated.** If you are not sure which documents are relevant you should ask the local Divisional Planning Office which policy documents the Department will be relying on and where they are available. You may wish to refer to other policy documents/guidance which the Department is not relying on but which you think are significant. You may also consider it appropriate to request copies of relevant consultation responses from the Department. These are also available from the Commission for a small fee.
- (iv) **Conditions** – you should set out any conditions which you consider would mitigate potential adverse effects of the development or overcome objections raised against the development.
- (v) **Summary** – if your statement exceeds 1500 words there should be a short summary of the main issues.

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2.0 Third Party Objectors/Supporters

Your statement may include the following:

- (i) **Background** – it will probably not be necessary to refer to the background of the appeal as the Department and/or applicant will deal with this and you will, if necessary, be able to clarify any points at the Inquiry or Hearing.
- (ii) **Site Description** – again the position as set out in 2.0(i) above will generally apply. However, you may feel that it is appropriate to highlight some features of the site relevant to your particular grounds of objection/support.
- (iii) **Issues/Topics** – you should address separately each of the issues appropriate to the points you have raised in objection to, or support for, the proposed development. If it is a Hearing case objectors should indicate briefly if and why you support the stance of the Department on matters raised in the Nature of Opinion issued by the Department. You should deal in more detail with other issues not raised by the Department but which one of concern to you. Supporters should state why they do not accept the Department's stance.

The general comments relating to policy documents, etc, set out under 1.0(iii) also apply to objectors/supporters.

- (iv) **Summary** – if your statement exceeds 1500 words there should be a short summary of the main issues.

Co-operation – objectors or supporters **should** join together with others (if any) sharing a common cause and submit a single Statement of Case (see paragraphs 16 and 17 of the main booklet).

3.0 General Advice

Statements of Case should:

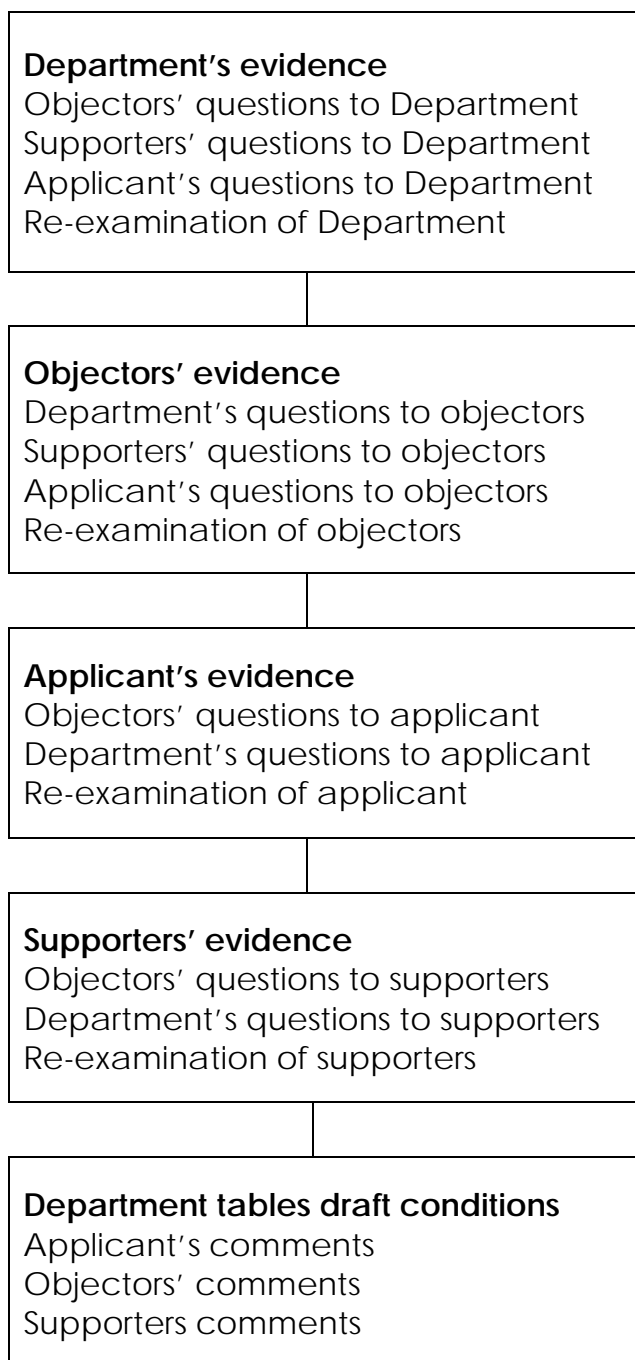
- (i) Concentrate on the main arguments you wish to make for or against the application.
- (ii) Deal very briefly with relevant minor or secondary matters which do not affect the principle of whether the application should be accepted or rejected.
- (iii) Avoid issues which are not relevant as these will not add anything to your case.

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- (iv) Avoid lengthy quotations from published policy documents/guidance as the Commissioner will have copies of these.
- (v) Aim for clarity and be brief while covering all relevant matters.
- (vi) Include a brief summary of your case if appropriate.

Note: The Commission's administrative staff are available to answer any queries you may have on procedures but cannot provide technical advice or comment on the merits of applications.

Procedures at the Inquiry or Hearing



Note: Evidence will generally be presented as a series of separate topics. Separate sessions may be arranged to hear non-technical evidence from third parties. This will be decided by the Commissioner and set out in the programme. The Commissioner will ask questions throughout proceedings.

Procedures for Public Local Inquiries and Hearings into Major Planning Applications

Published by the Planning Appeals Commission
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DATA PROTECTION AND FREEDOM OF INFORMATION IN THE PLANNING AND WATER APPEALS COMMISSIONS

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

When processing an appeal, representations about a major development under Article 31 of the Planning (NI) Order 1991 or objections to a draft development plan, the Commissions receive a range of personal information from a number of sources, which falls within the remit of the Data Protection Act. This includes:-

- the original application, together with any documents of support or objection;
- the appeal form, together with any other documents of support or objection.

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 an application or appeal.

This information is held and considered by the Commissions in accordance with the principles set out in the Data Protection Act.

It is only used by the Commissions for considering the appeal or objection. It is only retained as long as reasonably necessary, usually no longer than a year from the completion of the Commission's work. However, all appeal 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 decision. All decisions are published on the Commissions' website at www.pacni.gov.uk and retained indefinitely. In addition, the Department of the Environment must register all appeal decisions by the Planning Appeals Commission in the Planning Register.

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 Commissions' supervision.

An individual should therefore only provide personal information that he/she accepts will be available to the public. No-one should present personal information about other people (including family members) unless he/she has

Procedures for Public Local Inquiries and Hearings into Major Planning Applications

informed the person concerned and it has been agreed that the information could be provided to the Commission.

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 Commissions' 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 an appeal 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 Commissions Complaints System which is published under Publications on Commissions 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

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

Procedures for Public Local Inquiries and Hearings into Major Planning Applications

The Commissions will review procedures regularly to ensure continued compliance with the Data Protection Act.

Freedom of Information Act - The Commissions are not identified as Public Authorities 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 Commissions but the Regulations do not apply to the extent that the Commissions are acting in a judicial capacity. Nonetheless, as tribunals, which operate openly fairly and impartially, the Commissions seek to comply with the spirit of the Act and Regulations.

March 2010