

**Procedures for
a Public Local Inquiry
into the A5 Western Transport Corridor
Environmental Statement Addendum 2019**



Planning Appeals
Commission

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Introduction

[1] The Department for Infrastructure (DfI) Roads has appointed the Planning Appeals Commission to hold an inquiry into an addendum to its environmental statement for its scheme for a new road 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 inquiry. 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 Commissioner.

[3] If, having made representations relating to the environmental statement addendum, 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 data protection legislation (see Appendix 1).

The Inquiry

[6] The inquiry will be held under Article 67A of the Roads (Northern Ireland) Order 1993 to consider representations made in relation to the environmental statement addendum published by DfI in March 2019.

[7] The Commission is responsible for organising the inquiry. Appendix 2 sets out the main events. The Chief Commissioner will appoint a Commissioner to conduct the inquiry. The Commissioner will prepare a report for DfI in which all the main issues will be considered and recommendations set out.

Pre Inquiry Meeting

[8] 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 inquiry and to deal with procedural queries.

Notification of Arrangements

[9] DfI Roads will forward to the Commission copies of all representations it received in response to its public consultation process which commenced in March 2019. 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.

[10] The Commission will write to everyone who made representations during the consultation process and also to DfI Roads, 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.

[11] 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

[12] Please note that the Commission will consider all representations made during the 2019 consultation process unless they are not relevant to the environmental statement addendum or they are withdrawn. Even if you do not attend the inquiry, the Commission will still consider all the relevant comments you have made.

[13] 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

[14] DfI Roads will be expected 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 DfI Roads for information.

[15] 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.

[16] Written evidence may be submitted electronically in pdf format 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.** Thirty days before the inquiry opens, all written evidence will be made available for inspection at the Commission's office.

[17] Parties seeking to introduce new issues at the inquiry will have to persuade the Commissioner 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?

[18] The Commissioner will conduct the inquiry openly, fairly and impartially. It will run smoothly if everyone co-operates. The Commissioner will direct when people should speak or ask questions and any problems should be raised **in public** at an appropriate time during the inquiry. The Commissioner will ensure that all parties are given an opportunity to express views.

[19] The inquiry will be conducted on a topic basis. The Commissioner will set out the order of business in an agenda and lead a round table discussion on each topic. Before moving on to the next topic, the Commissioner 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, questioning between parties who are pursuing the same issue will not be permitted unless there are significant differences in views between them.

Observing the Inquiry

[20] 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 Commissioner and copies of the recording must be provided for the Commission and all who request them.

[21] If you wish to attend the inquiry to observe or take part and have special needs such as a requirement for disabled access, please contact the Commission at an early stage so that appropriate arrangements can be made.

Close of the Inquiry

[22] When all the evidence has been heard, the Commissioner will close the inquiry and give an indicative date for delivery of the report to DfI Roads. In preparing the report, the Commissioner will examine all the evidence presented by all the parties. The report will not summarise the evidence but will set out the Commissioner's reasoned consideration of the main issues and recommendations.

[23] DfI is required to consider the Commission's report before deciding whether to proceed with the A5 scheme, but is not obliged to accept the Commission's recommendations. Release of the report will be a matter for DfI.

Complaints

[24] 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 Commission's full Data Protection and Freedom of Information Policy and Privacy Notice are available at www.pacni.gov.uk and should be read in conjunction with this Appendix.

The General Data Protection Regulations (GDPR) legislate for 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 Regulations and associated legal provisions.

The Commission is provided with different kinds of personal information which falls within the remit of data protection by a number of sources. This information includes evidence of different types and representations made in relation to development proposals. The data received is varied in nature but may include:-

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

Information is processed by the Commission as a data controller in accordance with the principles set out in the legislation. The lawful basis for processing is detailed in the Commission's Privacy Notice and is provided for under Article 6 (e) of the GDPR as necessary for the performance of a task carried out in the public interest or in the exercise of official authority vested in the controller. The Commission uses information solely for the purpose of considering issues arising in the case at hand and will retain the information only for as long as it is needed, usually no longer than three years from the completion of the work.

Information submitted to the Commission may include special categories of data as set out in the GDPR as 'personal data revealing racial or ethnic origin, political opinions, religious or philosophical beliefs, or trade union membership, and the processing of genetic data, biometric data for the purpose of uniquely identifying a natural person, data concerning health or data concerning a natural person's sex life or sexual orientation'. This information will be processed under the remit of substantial public interest and the fact that the data has been made public. All Commission reports must contain clear reasons for the conclusions reached and in consequence it may be necessary to make reference to an individual's special categories of personal data such as personal or family circumstances in a report or decision. Reports and decisions will be retained indefinitely; the relevant Department may publish a Commission report sent to it, and decisions will be published on the Commission's website.

Information provided to the Commission will not be redacted, because of its duty to carry out its functions as an independent decision maker in an open, fair and transparent manner. Names of participants will be included at the end of reports. An

individual should therefore only provide personal or special categories of data which they accept will be available to the public, and personal or special categories of data in relation to other people should not be provided without that person's consent.

Under the GDPR an individual can request access to his or her personal data held by the Commissions, and details of how to make a Subject Access Request are contained in the Commission's Privacy Notice. Any complaints about how the Commission has handled an information request will be dealt with in accordance with the Commission's Complaints System, which is published on the Commission's website under the Publications tab. These complaints will not be reviewed by the Complaints Audit Panel. If you remain dissatisfied with the Commissions' response, you may contact the Information Commissioner at:

Information Commissioner's Office
51 Adelaide Street
BELFAST
BT2 8FE
www.ico.gov.uk

Telephone: 028 9026 9388

E-mail: ni@ico.gsi.gov.uk

The Commission reviews procedures on a regular basis to ensure continued compliance with data protection legislation.

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

DfI Roads 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.

DfI Roads 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 DfI Roads for information.

The Commissioner conducts the inquiry.

The Commissioner prepares the inquiry report.

The Commission sends the inquiry report to DfI Roads.

DfI considers the report and recommendations.

DfI announces its decision on the scheme and publishes the Commission's report.

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Commission