

21<sup>st</sup> November 2022

Letter to (1) Mr Seamus Keenan, Department for Infrastructure Roads, County Hall, Drumragh Avenue, Omagh, BT79 7Af; (2) Mr Roger Watts, Crawford Lockhart Black, Solicitors, 7-11 Linenhall Street, Belfast BT2 8AA; (3) everyone who returned a positive response to the questionnaire; and (4) the agents representing those people

Dear Sir/Madam

### **Public Local Inquiry into the A5 Western Transport Corridor Road Scheme**

Following the mid-inquiry meeting which took place on 15<sup>th</sup> November 2022, I am writing to set out some necessary changes to the inquiry timetable and to record some other matters.

Shortly after the Commission announced the original timetable, the Department for Infrastructure launched a fresh consultation on seven new documents containing 507 pages and set a date of 23<sup>rd</sup> December 2022 for submission of further representations. The Commission had no prior notice of this initiative. Objectors to the scheme argued at the meeting that this turn of events is prejudicial to members of the public who, instead of being able to focus their limited time and resources on preparing for the inquiry and responding to the Department's comments on their original representations, now have to divert their attention to new documents. They argued that the inquiry should be postponed and an effective timetable set which includes the submission of rebuttal evidence by the Department followed by statements of case from members of the public on all relevant information.

At the meeting, the Commission drew attention to the absence from the environmental statement and its addenda of illustrations showing the vertical alignment of the proposed road structures. The Department did not dispute that publication of such material is required by Article 67(6)(a) of the Roads (Northern Ireland) Order 1993 and is essential to the assessment of the landscape and visual effects of the scheme. The Commission therefore requested dimensioned elevations and long sections showing proposed road deck altitudes in relation to existing ground levels, construction materials and the final external appearance of the road across its entire length. The Department did not dispute that such drawings fall squarely within the category of additional environmental information and will require to be published and consulted upon.

The Commission accepts that in the circumstances that have arisen the inquiry must be postponed in the interest of fairness. **The inquiry will therefore not take place in January/February 2023.** When we receive confirmation from the Department that the consultation processes on the latest set of documents and the missing elevations have been completed and receive copies of any new representations made, we will write to all parties (including any new ones) setting out new dates for the re-opened inquiry. The new arrangements will also be posted on our website.

Meanwhile, the 2<sup>nd</sup> December 2022 deadline for the Department's comments on the 2019 representations made following its March 2022 public consultation exercise is unchanged. The new inquiry timetable will include a new date for the people and groups who made those representations to respond to the Department's comments.

I take this opportunity to record three other matters which arose at the meeting:-

- The Alternative A5 Alliance (AA5A) asked the Department (i) to produce a clear table of documents indicating which are extant and which are no longer being relied on; (ii) to indicate the interaction, if any, between different sets of documents; (iii) to update, where necessary,

the body of the environmental statement in light of the new information; and (iv) to update the non-technical summary in light of the new information. The Department undertook to consider these points and to respond in writing to the Commission.

- In regard to the Outline Business Case (OBC) which is currently being prepared for the scheme, the Department was requested to provide the Commission with a copy of recent correspondence, presentations and minutes of meetings involving the Department of Finance. If the OBC emerges by the time the inquiry re-opens, it can be discussed there. If it emerges later, before the Commission delivers its report, inquiry participants may be afforded an opportunity to submit post-inquiry written comment.
- The Department undertook to check whether it is relying on an operational protocol produced by the Northern Ireland Environment Agency setting a threshold for ammonia emissions affecting protected habitats of 1% of the critical load and if so, to provide the Commission with a copy of the protocol.

The responses to these queries should be copied to the AA5A's solicitors and will be placed on the Commission's website.

Yours sincerely,

**RUBY McLAREN**

Inquiry Administrator