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Dear Mr Purvis

## **A5 WESTERN TRANSPORT CORRIDOR DUAL CARRIAGEWAY SCHEME PUBLIC INQUIRIES - TIMETABLE**

I refer to your letter of 14<sup>th</sup> September indicating the intention of the PAC to commence the Inquiry into the proposed A5 Western Transport Corridor on 4<sup>th</sup> October 2016. You have also enclosed a proposed timetable for the sequencing of evidence and issues. The Department wishes to confirm that it is content with the proposed timetable outlined in your letter and particularly welcomes the proposal to address issues of policy and the scope of the Inquiry during the second week.

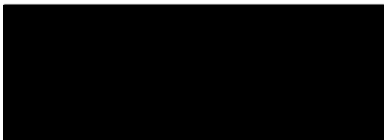
You will also be aware that the Alternative A5 Alliance has recently commenced judicial review proceedings, which include a challenge to the scope of the inquiry. The challenge follows events and submissions made on its behalf during the pre-inquiry meeting held on 29<sup>th</sup> June 2016. Following that meeting, the Department was invited to express its view on the proper scope of the inquiry and also whether some of the objections which the Alliance proposed to raise fell within its terms of reference. The Department did so, by way of letter of 14<sup>th</sup> July, emphasising its view that the proposed project which is the subject of the inquiry is the dual carriageway, described in the draft Direction Order and which has been the subject of environmental assessment.

The Department's position remains that it has requested the PAC to conduct the inquiry and that it has provided terms of reference for it to do so. These relate to the environmental statement, and the statutory Notices of Intention to Make a Direction Order, Vesting Order and Stopping Up of Private Accesses Order, together with the opinions expressed thereto by way of objection, following public consultation. The Department is of the view that it is properly a matter for the PAC to interpret these terms of reference and also to determine whether any particular objection falls within them. The Department therefore welcomes the proposal of the PAC to consider issues of scope during the second week.

By way of clarification of the Department's position on scope, it is of the view that the Inquiry's terms of reference relate to the dual carriageway scheme which is described in the published proposals. The Department does recognise that objections to those proposals may legitimately involve the expression of views favouring alternative proposals and the Department is prepared to comment on such proposals. However, the Department would oppose any attempt to invite the PAC to embark upon an inquiry into two or more alternative schemes, since the terms of reference relate to one scheme only. The proper boundaries of such objections can be considered during the course of the inquiry and, if necessary, determined by PAC.

The Department is aware that the Alternative A5 Alliance has not complied with the timetable previously set by the PAC for filing evidence. In the circumstances, and in the interests of facilitating the anticipated start date for the inquiry of 4 October, the Department would have no objection to the PAC providing a revised timetable, if it considered it appropriate to do so.

**Yours sincerely**



**Davy Millar**  
**TransportNI HQ**

**cc O'Reilly Stewart, Solicitors.**  
**C & J Black, Solicitors**