



# TII Annual Conference 2017



## Presentation of Projects for Statutory Processes

by  
Jack Sheehan / Pat Lyons / Tracy Smith

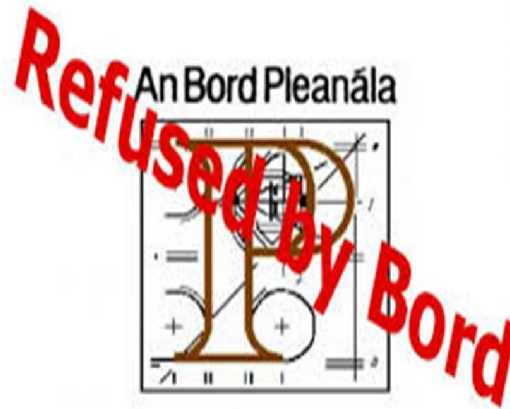
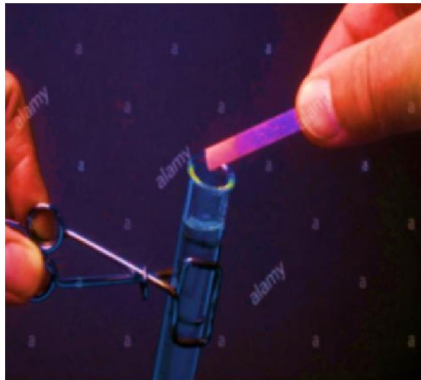


**29<sup>th</sup> Sept 2017**

**Pat Lyons + Associates**  
CHARTERED PLANNING CONSULTANTS



## The Litmus Test for Infrastructure Developments



Undertaken by An Bord Pleanála  
Refusal - a showstopper !!  
For very many many years

# The Oral Hearing

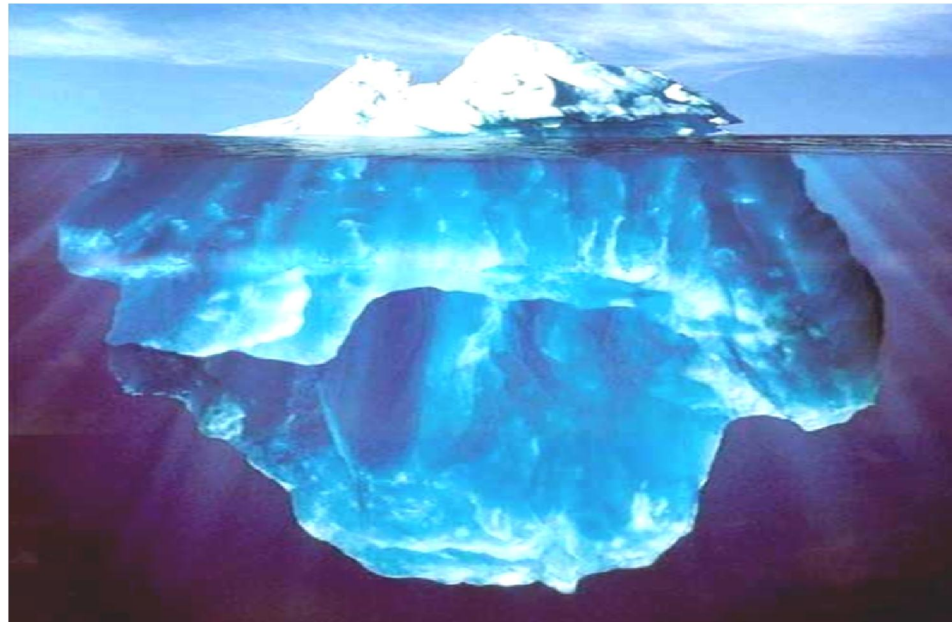


- **Project (Design) Team Presenting the Scheme (EIS) to a Planning Inspector and indirectly to ABP Board**

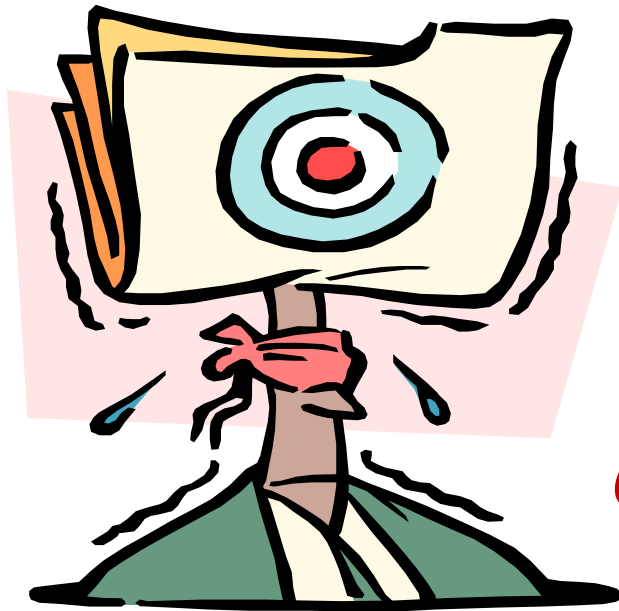
*Adversarial Forum – Rebuttal of 3<sup>rd</sup> Party Challenge*

## Looking below the surface at the Oral Hearing

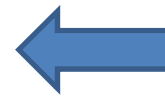
**ABOVE THE LINE...** Obvious issues and considerations, like... Technical analysis, Design issues, Route selection, Environmental Impact, Mitigations, Statutory compliance, Land acquisition, Timeframes, Cost ...etc



**BELOW THE LINE...** Individual technical focus ... Silo thinking...Lack of Alignment...Lack of Rehearsal... Defensiveness...Poor Communication ... Lack of consideration of Inspectors Perspective as a Planner... Poor Teamwork ... Conflict...Arguments... Duplication of effort... Sub optimum use of resources ...



**Planning Inspector**



***Targeted  
Communication***

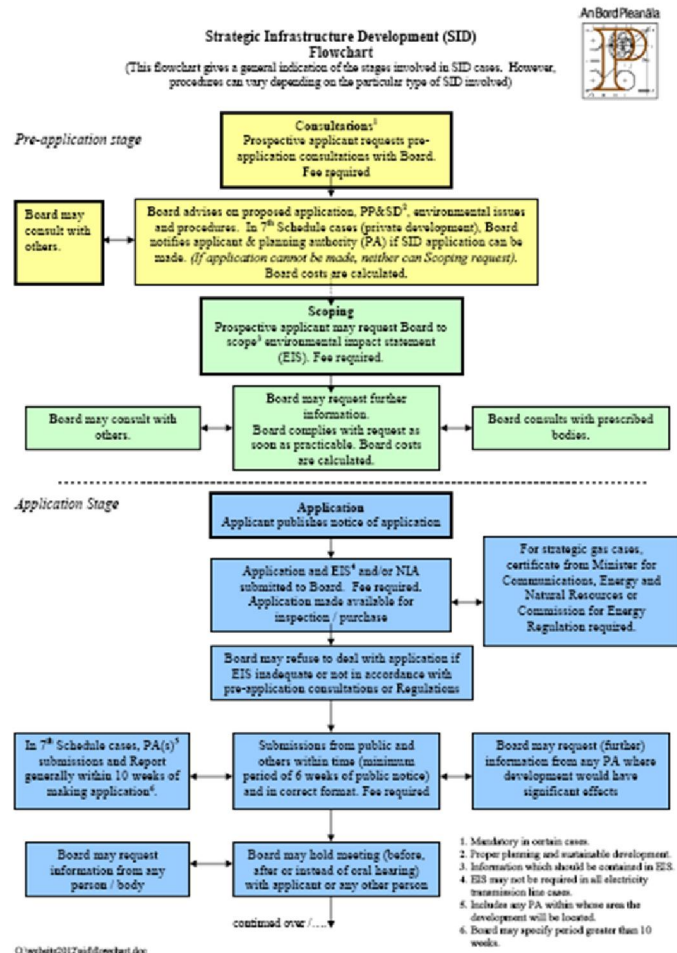


**Scheme Design Team**

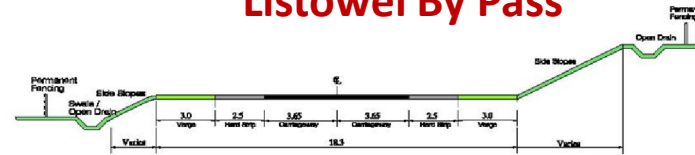
- **Must Involve the local Senior Planner / Project Planner from the Start**
- **Ensure the Planning context is to the fore**

**A Question of Perspective ?**

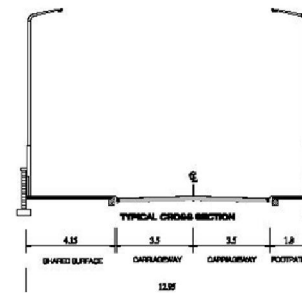
# The SID Planning Assessment Process



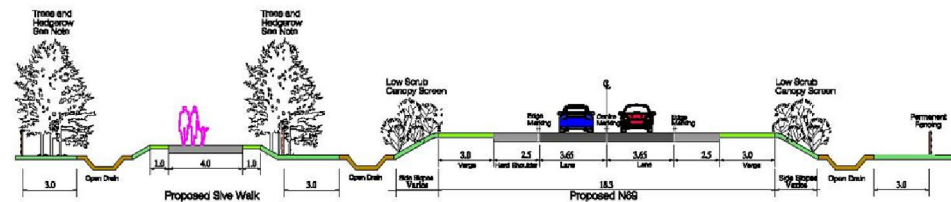
## Listowel By Pass



Typical Cross Section (rural)



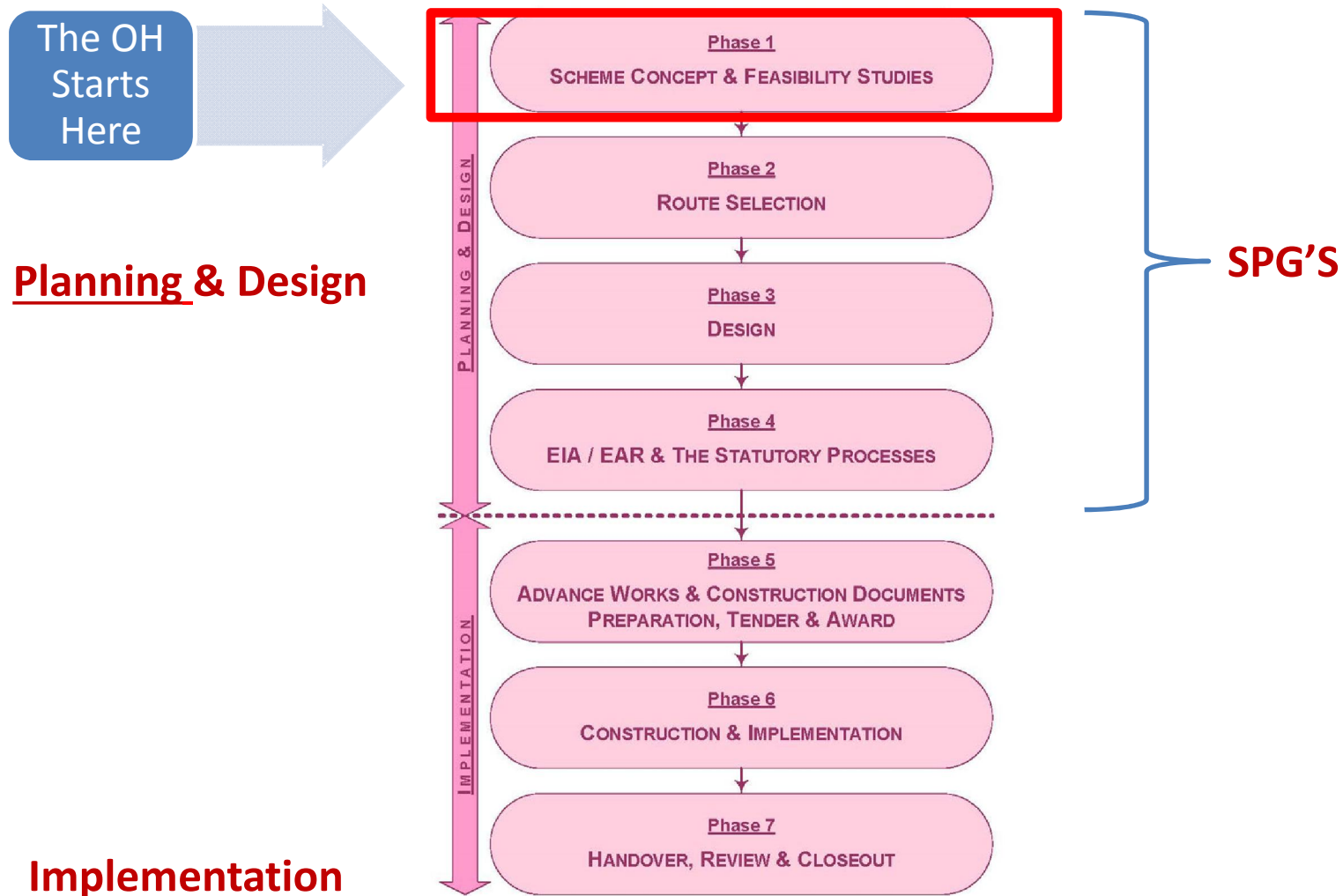
Typical Cross Section (John B Keane)



Typical Cross Section (Sive Walk)

3rd party adversarial process => Scheme open to Challenge

# Design Development Process



Presenting the Scheme to a Planning Inspector / Board

>>> Get the Planners involved early

# Asking the Right Questions ?

Who really is the Roads Authority ?



or



!! That's the Wrong question !!

**A key aspect of the SID Process is about**

**\*\*\*\* Asking the (right) Challenging questions? \*\*\*\***

**...that will have to be rebutted at the OH  
but preferably in the EIS ?**

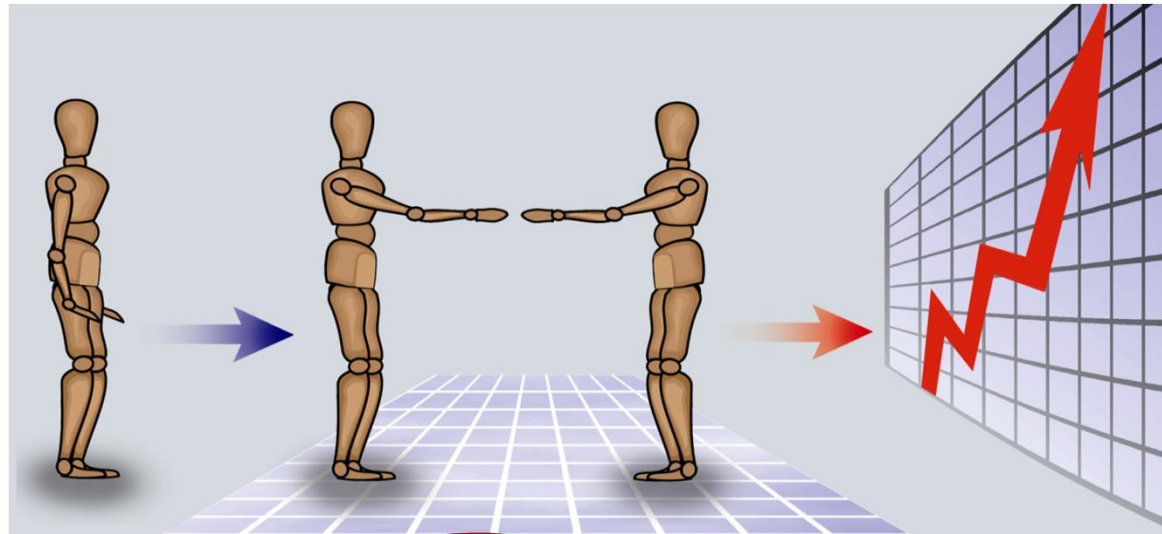


## Facilitated Workshop (s)



- Mobilises full extent of Team Resources available
- Workshop rehearses Scheme Challenge & Rebuttal - Critique
- Fosters Synergy / Teamwork / Mutual support
- Shared Understanding of the issues

***Planning Context “PPSD” Key ABP Concern***



**R<sub>1</sub>**  
Resources

**R<sub>2</sub>**  
Relationships

**R<sub>3</sub>**  
Results

- Team know the Scheme best – also best placed to Challenge Scheme
- Importance of teamwork – avoidance of Silo thinking
- Creating the environment to foster Synergy
- Everybody contributes – mutual support

## ➤ Planners Development Perspective

- 3<sup>rd</sup> Party System / Adversarial / Not rigidly defined
- Broad Focus - Establish all concerns / issues raised
- Holistic context / People / community/ environment
- The Overall Need for the Scheme
- PPSD

## ➤ Engineers/Designers Perspective

- Non Adversarial Compliance focused
- Rigorous Structured methodology
- Physical materials / environment and engineering parameters
- Only comfortable with technical detail / complexity and jargon
- Standards – Guidance Only
- Possibly Narrow objectives pre-defined questions



*Engineering Design v Planning Assessment*

# Presenting the Scheme



- **Non Technical**
- **No Jargon**
- **Few acronyms**
- **Plain English**
- **State the obvious**
- **Do Minimum**
- **Targeted Message**

- **The integrity and robustness of the scheme may be determined by the perceived weakest part of its presentation**
- **Be empathetic – show understanding of objectors concerns but professional objective assessment with examples**



Rebuttal of Challenge STARTS IN THE EIS

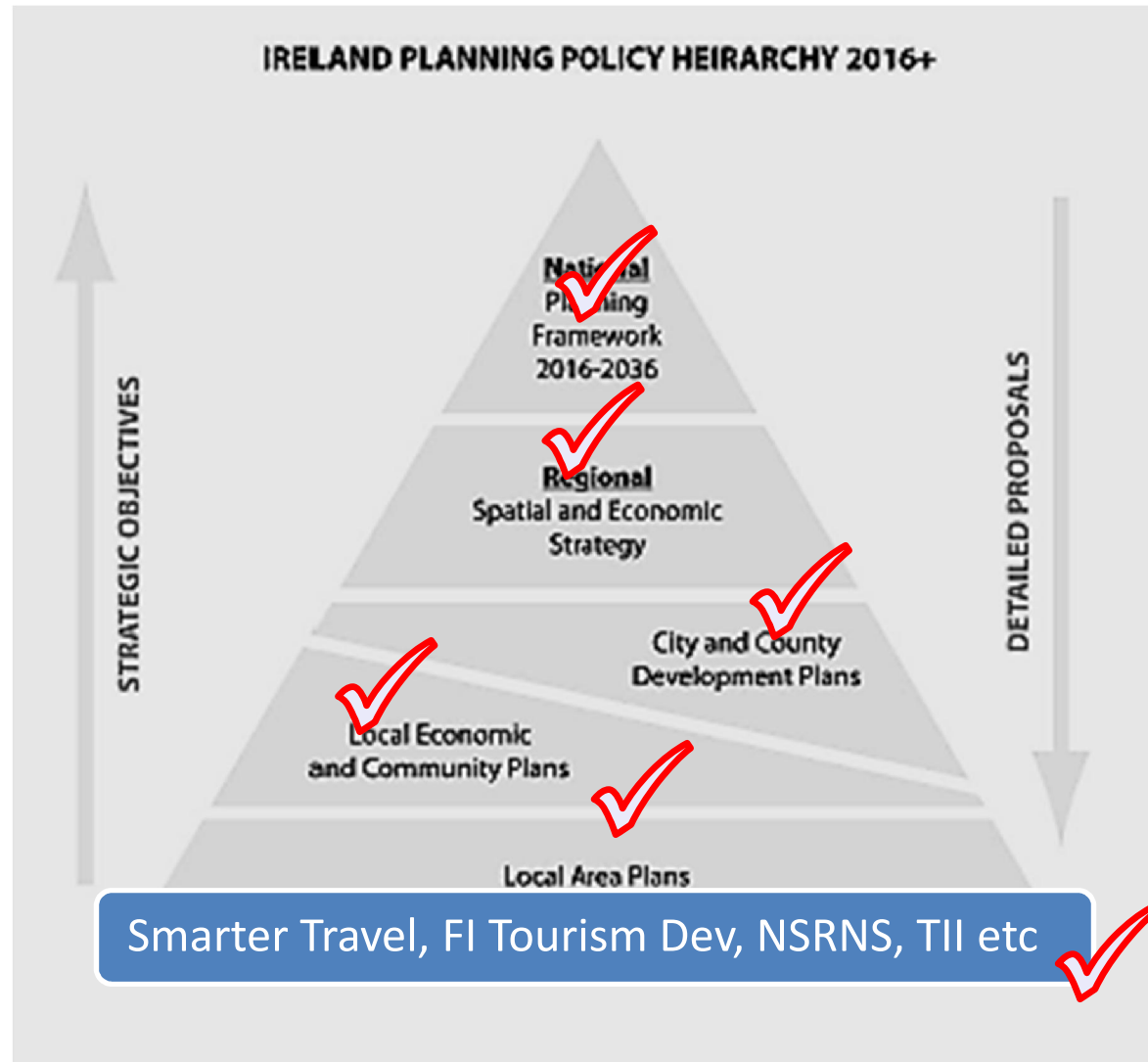


# Project Narrative – the story – key messages

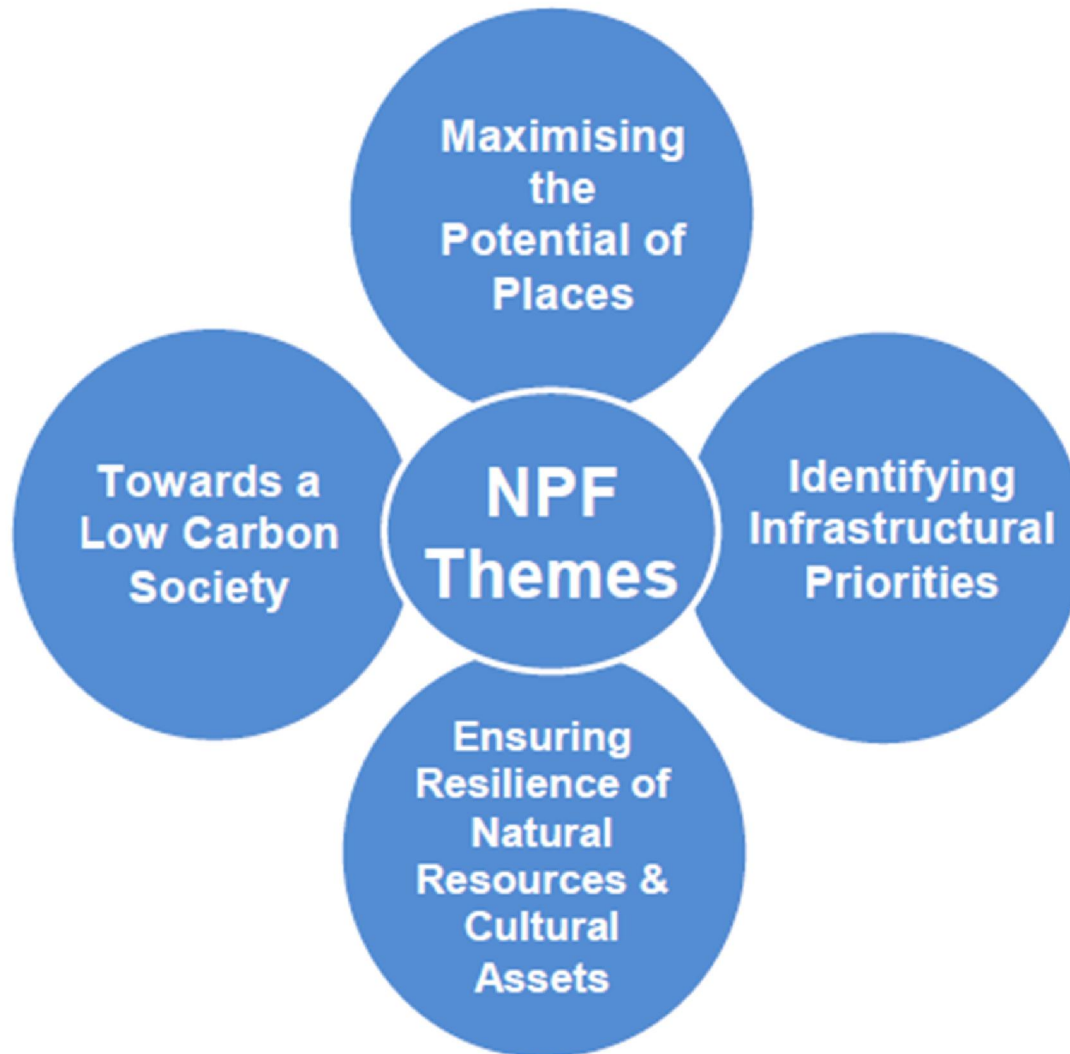


- Preferably prepared by the project planner with the support of the project leader.
- The story of the Proposed Scheme, using jargon free, simple english; considering the holistic context of the scheme which should address :-
  - Why the scheme matters :-
    - to people
    - to the local community
    - to road users; (incl' motorists and other road users)
    - to non road users;
    - to vulnerable people
    - to the environment
    - to the economy (local regional national)
    - the basic rationale underpinning the selected route from other options
- **The Project Need (incl Planning Policy context)**
  - Policy context - Complies with objectives of all relevant national, regional and local Planning Policies and Development Plans – (NPF, NDP,RPG, Smarter Travel, FI Tourism Dev, TII, NSRNS, CDP)
- **Highlight Scheme Benefits**
  - Improved accessibility (e.g impact on economy Goods and services / PT services etc )
  - Improved Safety
  - Reduced emissions
  - Significant Impacts and Mitigations => residual impacts
- A summary of the extensive consultation referencing prescribed bodies and ABP pre application meetings
- Using appropriate photographs, maps and graphics for context.

# Planning Policy Hierarchy



# NPF Policy Context Potential Themes







- **Very Important to ABP**
- **Public**
- **Prescribed Bodies**
- **An Bord Pleanála**
- **OH part of Consultation**
- **Key stakeholders**
- **Landowners**
- **No Surprises at the OH**



# Briefs of Evidence [BoE's]



- **Demonstrate**
  - professional competency and relevant experience
  - familiarity with the Scheme Site visits / consultation
  - integrated approach to Scheme design / best practice
  - Conclusions and opinion of the Scheme - key messages
- **Refer to Submissions - Direct the inspector to key parts of EIS**
- **Do not regurgitate the content of the EIS**
- **Summarise your conclusions/opinion – reaffirming key messages**

# ABP Pre Application – Consultation

- **Decide at start likely number of consultations**
- **What and who are going to say (5 No max)**
- **Demonstrate competence and integrated approach**
- **Outline significance of Scheme**
- **Planner to set out planning policy context**
- **Present Route Selection**
- **Assessment of Alternatives**
- **Clear maps and figures**
- **Extent of 3<sup>rd</sup> party Consultation**
- **Consultation with prescribed bodies**



# Thank you





# Dealing with Statutory Process N69 Listowel Bypass

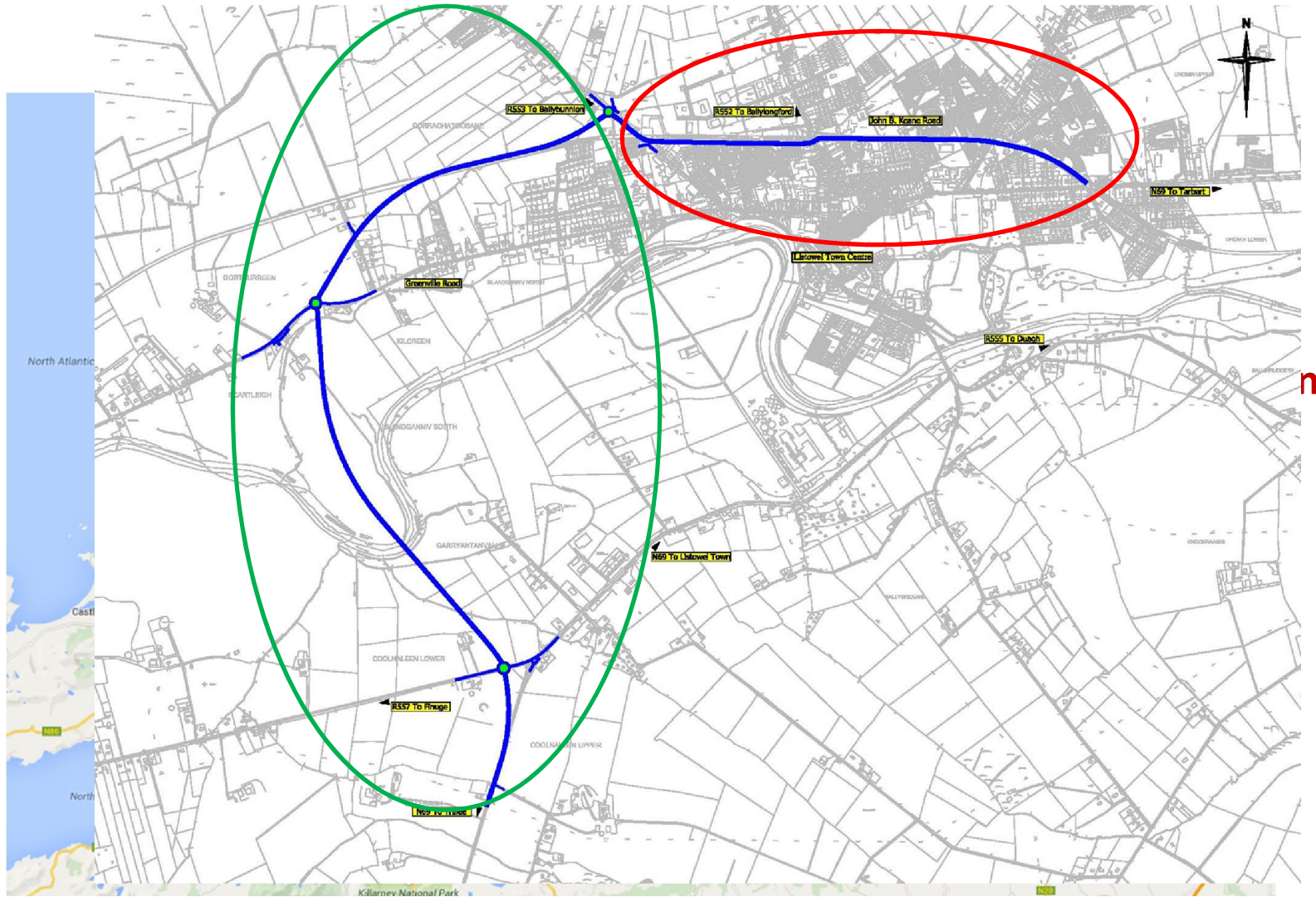
Tracy Smith  
Chartered Engineer  
Kerry NRDO



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# Proposed Development



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2006 Feasibility Study

2007 Constraints Study

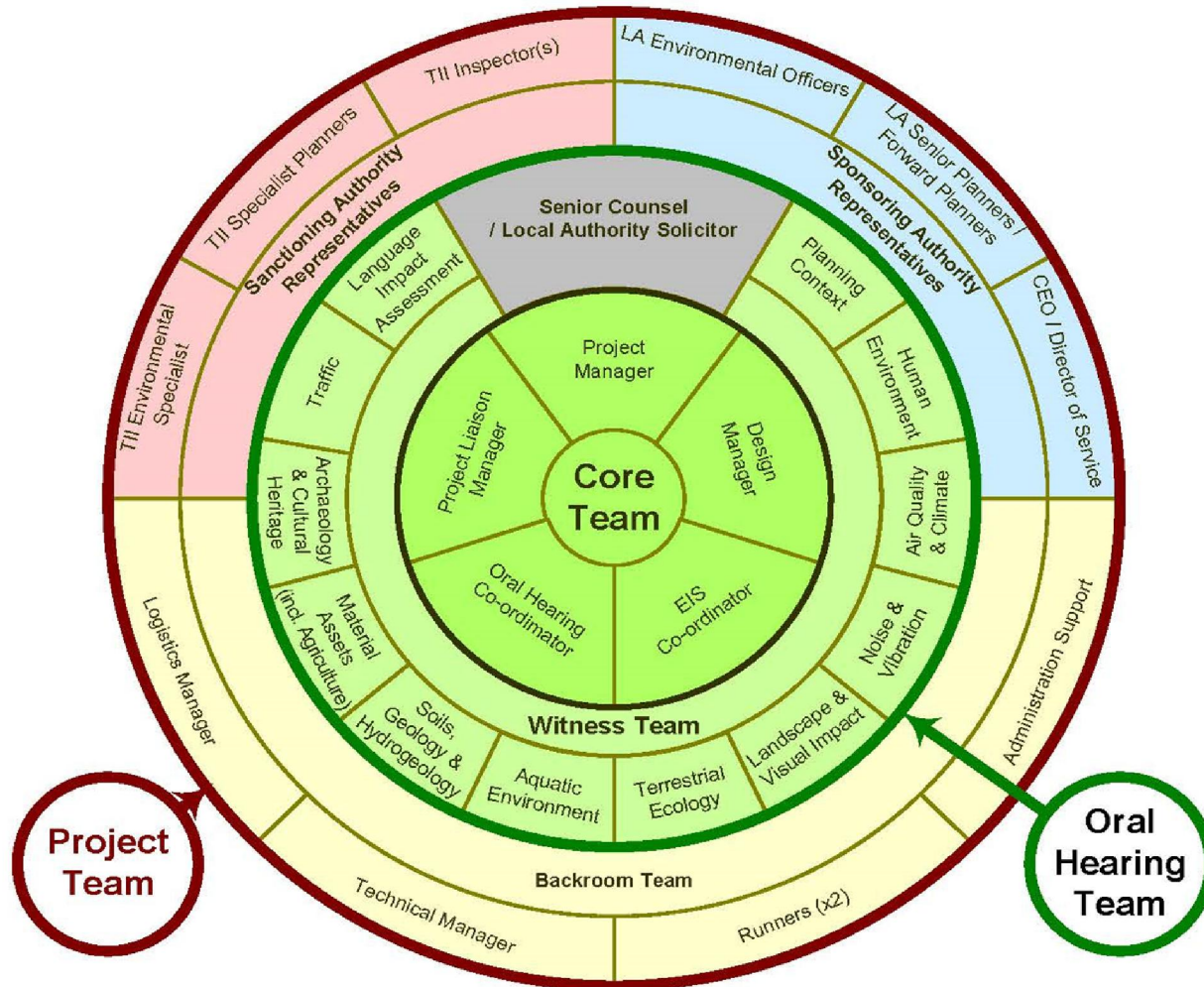
2011 Route Options

2012 Preferred Route Option

2017 EIS/CPO



# Stakeholders



- **Use of Existing Infrastructure**

- **Environment**

- SAC
- barn owls
- whooper swans



- **Stakeholders**



# Oral Hearing Guidelines



## 4 Facilitated Workshops

1 - Key Themes

2 - Pre EIS

3 - Pre-consultation meeting

4 - BOE workshop

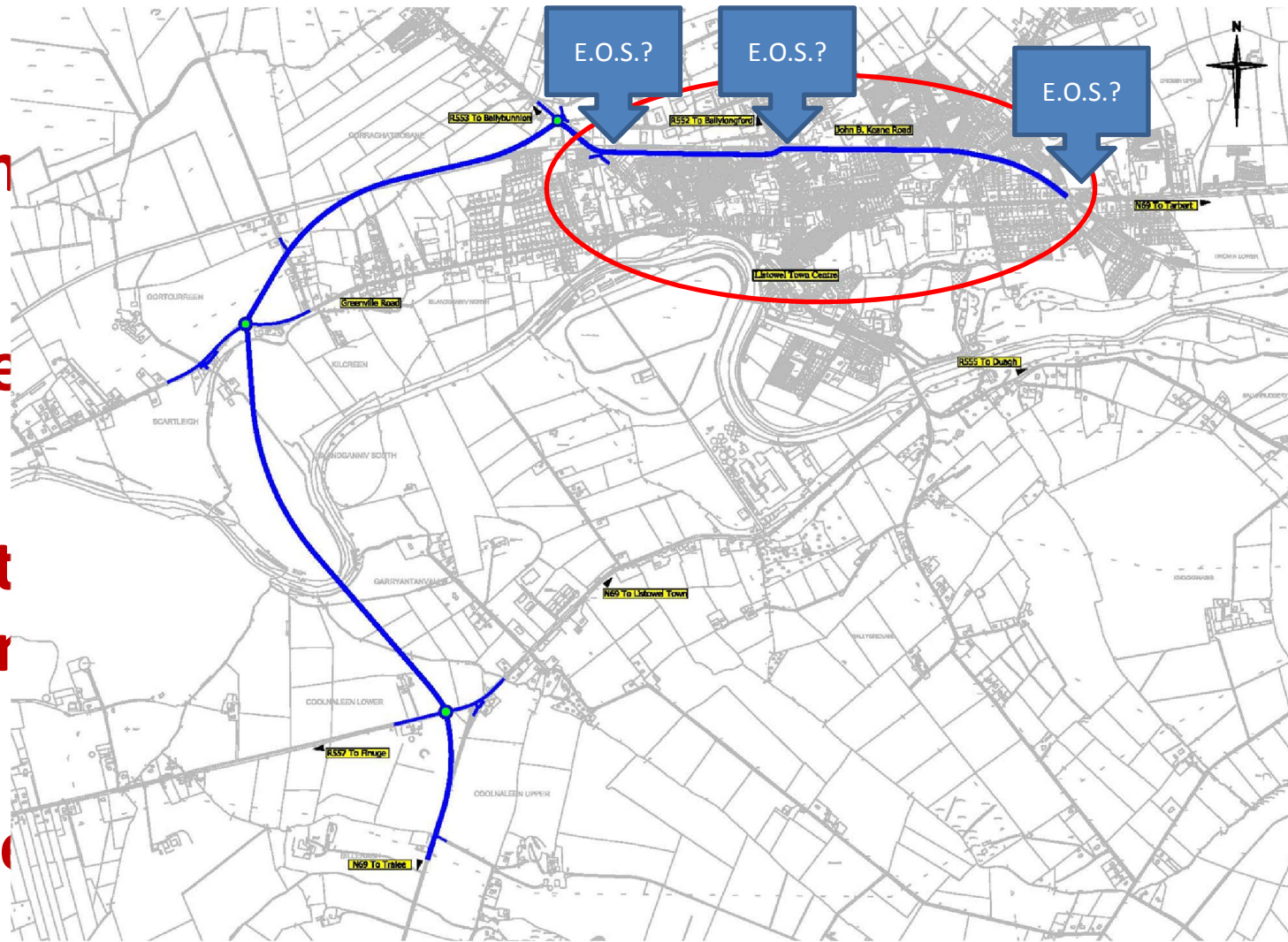
# Workshop 1 - Key Themes

Team

Review

Identify

Agree



## Recap of Key Messages & Risks – scheme objectives

### How are these addressed in EIS

**EIS Standalone/readability  
- Consider audience**

**Addressing risks –**

**Presentation of Scheme**

**NPWS meeting**

**Additional Public Consultation**





# Workshop 3



**Pre Consultation with ABP**

**Recap of Key Messages & Risks for scheme**

**Key items selected – need/route selection/SAC**

**Opportunity to clarify items to Board**

**ABP – planning body – need to address planning**



# Workshop 4



## Briefs of Evidence Review

- Establish who is dealing with what
- Key messages & language
- Prepare BOE in advance
- Addressing submissions
- Refer to EIS - Avoid repetition

- **Not carried out for Listowel due to time constraints**



- **Key Benefit:**
  - **Establish 'choreography' for responses - who/what/ how**
  - **Team building & introductions**





# Key Items



## Team Building

**Focus on EIS and OH throughout scheme**

**Involvement of Planners**

**Streamlining of all policy docs - ABP are planners**



# Key Items



**Thank You**