



Planning Appeals
Commission

**Independent Examination
Lisburn & Castlereagh Local Development Plan 2032 Draft Plan
Strategy**

GUIDANCE NOTES FOR PARTICIPANTS

Commissioner: Julie de-Courcey BSc MSc LLB MRTPI

1 INTRODUCTION

- 1.1 I have been appointed by the Planning Appeals Commission to undertake an independent examination (IE) into the legal compliance and soundness of the Lisburn & Castlereagh City Council Local Development Plan 2032 Draft Plan Strategy (the 'Plan').
- 1.2 This note provides guidance to the participants on the procedural and administrative arrangements for the public hearing component of the IE. Please read it carefully as it sets out the procedures and rules for how the public hearings will be conducted.
- 1.3 The ongoing implications of the Covid-19 global pandemic have altered the way in which I had expected to conduct the IE as outlined in the Commission's procedures document "[*Procedures for Independent Examination of Local Development Plans*](#)". In the interests of moving forward, the public hearing sessions will be conducted remotely, opening at 10.30am on Monday 28th March 2022 for an initial two week period.
- 1.4 Some people will be more familiar with video conferencing technology than others and allowances will be made for this. Moreover, the PAC will have an Administrator to manage administration of the public hearing sessions.
- 1.5 The Commission has published "[*PACWAC remote hearings protocol for Lisburn and Castlereagh City Council independent examination hearing sessions \(Version 1\)*](#)". Participants are expected to have familiarised themselves with its contents.

2 PROGRAMME OFFICER

- 2.1 James Bickerstaff is the Programme Officer (PO) and is responsible for the administration of the IE. The PO's role includes liaising with all parties to ensure the smooth running of the IE, managing the availability of examination documents, website and the library. James is the main point of contact for all procedural and administrative matters and will help you with any associated queries that you may have during the IE. His contact details are:

Email: LC.LDP@pacni.gov.uk
Telephone: 02890 89 39 19
By post: Lisburn & Castlereagh LDP, Park House, Great Victoria Street, Belfast,
BT2 7AG

3 THE EXAMINATION WEBSITE

- 3.1 Copies of the Council's Draft Plan Strategy documents are available on the Council's Submission Documents Library webpage at: (<https://www.lisburncastlereagh.gov.uk/resident/planning/local-development-plan/submission-of-documents-to-dfi/submission-documents-library>) If you have any queries on accessing the documentation, please contact Lisburn & Castlereagh City Council at LDP@Lisburncastlereagh.gov.uk or on telephone number 028 9244 7300.
- 3.2 All relevant examination documents collated by the PAC will be available to view on the internet via the Lisburn & Castlereagh Examination Library webpage on our website: (www.pacni.gov.uk/lisburn-castlereagh-examination-library)
- 3.3 Public hearing documentation for each session, detailing participants and any relevant documents, will be added to the examination website in due course.
- 3.4 Libraries NI can provide free computer use and internet access. You can get further information on how to access these services by contacting them directly.
- Telephone - 0345 450 4580
 - Email – enquiries@librariesni.org.uk
 - Website – www.librariesni.org.uk
- 3.5 Any participant in the public hearing sessions who is unable to access the internet should contact the Commission's Programme Officer so that alternative arrangements for document access can be put in place.

4 SCOPE OF THE PUBLIC HEARING & THE ROLE OF THE COMMISSIONER

- 4.1 My role is to determine whether the Plan satisfies statutory requirements and is sound. Legal compliance and soundness are overlapping concepts. In carrying out the IE, I will apply a series of tests taken from the Department for Infrastructure's Development Plan Practice Note (DPPN) 06 "*Soundness*". These tests are set out in Appendix 3 of that document. The soundness tests will be considered in the round, taking into account the supporting text in DPPN 06 and an overall judgement will be formed.
- 4.2 The starting point for the IE is that the Council has submitted a Plan which it considers is legally compliant and sound. Those seeking changes must demonstrate why the Plan does not meet the tests set out in DPPN 06.
- 4.3 It is very important that all participants appreciate that the focus of the public hearing sessions and my report will be on the soundness of the Plan and not on individual representations. Accordingly, my published questions relate only to the matters that I need to clarify with the parties in establishing whether the Plan is sound. If your issue is not included on the agenda, that does not mean that it has been set aside; it will be considered in my report together with those raised by submissions that are being pursued by written representations.

5 THE PUBLIC HEARING SESSIONS

- 5.1 The main purpose of the public hearings is to enable me to obtain the information and/or clarification that I need to conclude on the matters before me; it is not for the repetition of that evidence. Save for Policies SMU01 – 03 inclusive and issues raised about the Maze, no discussion of site allocations or purely site-specific matters will be permitted. I am only concerned with the strategic issues considered in the current Plan.
- 5.2 I have undertaken an 'Initial Assessment' of the plan documents. Therefore, all documentation already before me will be taken as read. The public hearing sessions will focus on the topics, issues and questions as set out on the agenda.

Format

- 5.3 The initial programme for the public hearing sessions sets out the order of topics and issues to be considered and identifies eligible participants for each session. This is a working document that will likely be subject to revision. I am currently drafting questions and, in reviewing the evidence for that purpose, it may be that I have nothing to ask on topics initially listed on the programme. Any updated versions of the programme will be published in the Examination Library of the Commission's website.

- 5.4 A list of detailed topics, issues and questions for the first two weeks (28th March 2022 to 8th April 2022) of the public hearings will be published on the examination website on or before Thursday 3rd March 2022. These will form the agenda for each hearing session.
- 5.5 Please note that the issue of the capacity of the sewerage system to deal with the amount of growth proposed will be dealt with in later sessions and not in Topics 1, 13 and/or 14.
- 5.6 The public hearing sessions will resume on Monday 16th May 2022 and continue for a fortnight. The initial programme and a list of eligible participants for each issue will be published on or before Friday 18th March. The associated questions will be published on or before Friday 15th April 2022. If I require additional public hearing sessions after Friday 27th May 2022, further notification will issue in due course.
- 5.7 It is anticipated that there will be two daily public hearing sessions. These would normally run from 10.30 – 12.00 and 14.00 – 15.30. Participants should refer to the programme on the Commission’s examination website which may be amended on an on-going basis. I aim to stick to the scheduled 1.5 hour time slots. However, if an extension of no more than 10 minutes would, for example, facilitate the conclusion of discussion on a topic, this could be accommodated.

Participation

- 5.8 The public hearing sessions will be livestreamed to allow the IE to be observed. Details of how the sessions can be observed will be published on the Commission’s website during the week beginning 21st March 2022.
- 5.9 Eligible participants are reminded of the need to have logged on to the session at least **15 minutes** before its start time. This will facilitate prompt opening of the public hearing.
- 5.10 Only those who made representations to the Council within the prescribed time periods and seeking changes to the Plan have a right to be heard. Our procedures document advises that unless people specifically request a hearing, the Commission will proceed on the basis that they are content to have their representations considered in written form only. I may also invite additional participants if I consider it necessary. If this is the case, the Programme Officer will write to them and the programme will be amended accordingly. The only representations that I will be seeking to clarify, either in whole or in part, are those that clearly state that the Plan is unsound and set out the reasons for reaching that conclusion and/or make suggested changes that would render it sound.
- 5.11 Equal weight will be given to oral and written evidence. Therefore, there is no need to participate in the public hearings unless you intend to elaborate on points already made in writing or you wish to respond to points made by others.

- 5.12 The published topics, issues and questions will guide discussion at hearing sessions. Participants should have already set out their full cases in their original representation and, where applicable, counter-representations. Therefore, I currently see no need for further written evidence from any party.
- 5.13 In responding to my questions on representors' evidence, participants will not be permitted to raise new concerns or to pursue or respond to points that other representors made but that they did not.
- 5.14 Participants will be expected to have familiarised themselves with the relevant documents relating to matters for discussion. In particular, they should be familiar with the Council's:
- *"Local Development Plan 2032 Draft Plan Strategy Public Consultation Report December 2020"* as it relates to the issue(s) raised in their representation. This is document SUBDOC 009 ([Link](#))
 - *"Local Development Plan 2032 Draft Plan Strategy Counter Representation Report December 2020"* as it relates to their counter-representation. This is document SUBDOC-010 ([Link](#))
 - *"Typographical Errors Local Development Plan 2032, Draft Plan Strategy"*, document SUBDOC-032 ([Link](#))
 - *"Local Development Plan 2032 Draft Plan Strategy Consultation on Focussed Changes Addendum including Minor Changes Schedule January 2021"*. This is document SUBDOC 016 ([Link](#))
- 5.15 When invited to speak, participants should introduce themselves, their company/organisation and, where relevant, say who they are speaking on behalf of. Please do this at every session as members of the public may have joined the livestream to follow the discussion of specific topics and/or issues subsequent to your previous appearance.
- 5.16 I will move discussion on to the next topic or issue when I am satisfied that I have got adequate clarification and information on the issue under discussion. As I move towards the end of each issue and/or topic, I will ask the Council for its comments on the points raised.
- 5.17 There may be matters arising during the public hearing sessions that I may need further information on. A schedule of these matters would be recorded and added to the "Matters Arising" section of the Examination Library on a weekly basis. Other than the requested information, any further submissions relating to these matters would be returned to the sender without me reading them.

5.18 If I consider that it is necessary in order to assess the Plan’s soundness, I may undertake site visits within the Council area during and/or after the public hearing sessions. I would do this on an unaccompanied basis unless access to private land is necessary.

6 CLOSE OF THE PUBLIC HEARING SESSIONS

6.1 After the public hearings have been concluded, the IE will remain open until my report is submitted to the Department for Infrastructure. No further evidence will be accepted during this time unless I have specifically requested it. Any such evidence would be published on the Commission’s Examination website.

7 FURTHER INFORMATION

7.1 Further information about the preparation and examination of Local Development Plans can be found using the following links:

- Planning Act (Northern Ireland) 2011, Part 2:
www.legislation.gov.uk/nia/2011/25
- The Planning (Local Development Plan) Regulations (Northern Ireland) 2015:
www.legislation.gov.uk/nisr/2015/62
- Department for Infrastructure Development Plan Practice Notes 1 - 10 inclusive:
www.infrastructure-ni.gov.uk/publications/development-plan-practice-notes

28th January 2022