



Planning Appeals
Commission

**Independent Examination
Mid and East Antrim Borough Council
Local Development Plan 2030 Draft Plan Strategy**

GUIDANCE NOTES FOR PARTICIPANTS (Version 2)

**Commissioners: Rosemary Daly BSc Dip TP MSc MRTPI
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1 INTRODUCTION

- 1.1 We have been appointed by the Planning Appeals Commission to undertake an Independent Examination (IE) into the legal compliance and soundness of the Mid and East Antrim Borough Council's Local Development Plan 2030 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 we 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 on:
- Monday 6th June 2022 at 10.30 am for two weeks;
- and then resuming on:
- Tuesday 2nd August 2022 at 10.30 am for two weeks; and
 - Monday 5th September 2022 at 10.30 am for one week.
- 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 Mid and East Antrim Borough Council independent examination hearing sessions \(Version 1\)](#)". Participants are expected to have familiarised themselves with its contents. A copy of is available on the MEA Examination Page on the PAC web site.

2 PROGRAMME OFFICER

- 2.1 Barry Fegan 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. The PO 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: MEA.LDP@pacni.gov.uk

Telephone: 02890 89 39 17

By post: Mid and East Antrim 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.midandeantrim.gov.uk/business/planning/local-development-plan/draft-plan-strategy-submission/>. If you have any queries on accessing the documentation, please contact Mid and East Antrim Borough Council at planning@midandeantrim.gov.uk or on telephone number 0300 124 5000.

- 3.2 All relevant examination documents collated by the PAC will be available to view on the internet via the Mid and East Antrim Examination Library webpage on our website: (www.pacni.gov.uk/mid-east-antrim-examination-library). Any updates to the IE will also be notified through the web page. Please ensure to check for regular updates throughout the IE process.

- 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 Our 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, we 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 our report will be on the *soundness of the Plan* and not on individual representations. Accordingly, the published questions relate only to the matters that we 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 our 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 us to obtain the information and/or clarification that we need to conclude on the matters before us; it is not for the repetition of that evidence. No discussion of site allocations or purely site-specific matters will be permitted. We are only concerned with the strategic issues considered in the current Plan.
- 5.2 We have undertaken an 'Initial Assessment' of the plan documents. Therefore, all documentation already before us 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. We are currently drafting

questions and, in reviewing the evidence for that purpose, it may be that we 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 Week 1 and Week 2 of the hearing sessions (6th June 2022 to 17th June 2022) will be published on the examination website on or before 16th May 2022. These will form the agenda for each hearing session.
- 5.5 The public hearing sessions will resume on Tuesday 2nd August 2022 and continue until Friday 12th August 2022 and then for one week beginning on the 5th September 2022. For these hearing sessions (Weeks 3, 4 & 5) the associated list of detailed topics, issues and questions will be published on the examination website on or before 6th July 2022. If we require additional public hearing sessions after Friday 9th September 2022, further notification will issue in due course.
- 5.6 It is anticipated that there will be two daily public hearing sessions. These would normally run from 10.30 – 12.30 and 14.00 – 16.00. Participants should refer to the programme on the Commission's examination website which may be amended on an on-going basis. We hope to adhere to the scheduled 2-hour time slots. However, if a short extension would, for example, facilitate the conclusion of discussion on a topic, this will be accommodated.

Participation

- 5.7 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 the week prior to the commencement of the hearings.
- 5.8 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.
- 5.9 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. Additional participants may be invited if considered necessary. If this is the case, the Programme Officer will write to them and the programme will be amended accordingly. The only representations that we 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.
- 5.10 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.*

- 5.11 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, we see no need at present for further written evidence from any party.
- 5.12 In responding to questions on representors' evidence, participants will not be permitted to raise new concerns, nor to pursue or respond to points that other representor made but that they did not.
- 5.13 Participants will be expected to have familiarised themselves with the relevant documents relating to matters for discussion. In particular but not exclusively, they should be familiar with the Council's:
- [Local Development Plan 2030-Draft Plan Strategy](#) (Council reference DPS 101 and associated maps DPS 102-104)
 - Local Development Plan 2030 [Draft Plan Strategy Public Consultation Report March 2021](#), as it relates to the issue(s) raised in representations. This is document DPS-142 (Council reference).
 - Local Development Plan 2032 [Draft Plan Strategy Schedule of Proposed Modifications January 2021](#). The Council reference for this document is DPS-143.
 - [Schedule of Proposed Corrections to the Draft Plan Strategy, June 2021](#). The Council reference for this document is DPS-144.
 - [Self-Assessment of Soundness March 2021](#) and its [addendum of June 2021](#). The Council reference for these documents is DPS 401 and DPS 401-A.
 - Technical Supplements 1-13. The Council references for these documents is DPS 116 – DPS 141. (<https://www.midandeastantrim.gov.uk/business/planning/local-development-plan/draft-plan-strategy-submission/>).
- 5.14 Further documents are detailed within the [Draft Plan Strategy document library](#) dated March 2021. The Council reference is DPS 100.
- 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 We will move discussion on to the next topic or issue when we are satisfied that we have got adequate clarification and information on the issue under discussion. As we move towards the end of each issue and/or topic, we will ask the Council for its comments on the points raised.
- 5.17 There may be matters arising during the public hearing sessions that we 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 having been read.

- 5.18 If we consider that it is necessary in order to assess the Plan’s soundness, we may undertake site visits within the Council area during and/or after the public hearing sessions. We 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 our report is submitted to the Department for Infrastructure. No further evidence will be accepted during this time unless we 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

13th May 2022