



Planning Appeals  
Commission

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**Independent Examination  
Fermanagh & Omagh District Council Local Development Plan  
Draft Plan Strategy 2030**

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**GUIDANCE NOTES FOR PARTICIPANTS**

**Commissioner:** Dr D O'Neill BSc DipTP PhD 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 Fermanagh and Omagh District Council (FO) Local Development Plan – Draft Plan Strategy 2030 (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 How an IE will be conducted is outlined in the Commission's procedures document '[Procedures for Independent Examination of Local Development Plans](#)'. However, due to the ongoing Covid-19 global pandemic this approach has had to be altered. As a result, and in order to progress the plan, the hearing sessions will be conducted remotely. The public hearing sessions will open and commence at 10:30am on 18<sup>th</sup> January 2022 for an initial two week period.
- 1.4 Some people will be more familiar with video conferencing technology than others and we will all have to make allowances for this, adapt and learn from the experience as we go along. The PAC will have an Administrator present to manage the administration of the public hearing sessions.
- 1.5 A specific procedural document will be published prior to the opening of the remote hearing sessions explaining how they will operate. In the interim you can refer to the Commission's [remote hearings protocol](#) that has been prepared for appeal cases.

## **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 and acting as the main point of contact for all procedural and administrative matters. The PO is there to help you with any administrative or procedural queries you may have during the IE. Contact details are:

Email: [FO.LDP@pacni.gov.uk](mailto:FO.LDP@pacni.gov.uk)

Telephone: 02890 89 39 19

By post: Fermanagh & Omagh LDP Programme Officer, 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 LDP Document Library webpage at:

<https://www.fermanaghomagh.com/services/planning/local-development-plan/document-library/>.

If you have any queries on accessing the documentation, please contact Fermanagh and Omagh Council's Planning Office at [planning@fermanaghomagh.com](mailto:planning@fermanaghomagh.com) or on telephone number 0300 200 7830.

- 3.2 Copies of all relevant examination documents collated by the PAC are available to view on the internet via the FO Examination Library webpage on our website: <https://www.pacni.gov.uk/fo-examination-library-0>

- 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. A number of Libraries taken from their website [www.librariesni.org.uk/](http://www.librariesni.org.uk/) are listed below:

- Enniskillen Library, Halls Lane, Enniskillen, BT74 7DR
- Irvinestown Library, Main Street, Irvinestown, BT94 1GJ
- Lisnaskea Library, 157-159 Main Street, Lisnaskea, BT92 0JE
- Fintona Library, 112-114 Main Street, Fintona, BT78 2AE
- Omagh Library, 1 Spillars Place, Irishtown Road, Omagh, BT78 1HL
- Mellon Centre for Migration Studies, 2 Mellon Road, Omagh, BT78 5QU

- 3.5 Any participant in the public hearing sessions who is unable to access the internet should contact the 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 the 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 they consider 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 will 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 in my agenda, that does not mean that it has been set aside; it will be considered in my report together with those raised in 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. 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 in 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 participants for each session. This will likely be subject to revision. The final version will be published in the Examination Library of the Commission's website before the public hearings commence and will confirm the list of participants for each session.

- 5.4 A list of detailed topics, issues and questions for the first two weeks (18<sup>th</sup> January 2022 to 27<sup>th</sup> January 2022) of the public hearings will be published on the examination website on 1<sup>st</sup> December 2021. These will form the agenda for each hearing session.
- 5.5 The public hearing sessions will resume on 8<sup>th</sup> February 2022. The programme and a list of eligible participants for each issue will be published on or before 15<sup>th</sup> December 2021. The associated questions will be published on or before 18<sup>th</sup> January 2022.
- 5.6 Lessons learned from the initial sessions in January will feed into the development of the next phase of the public hearings programme.
- 5.7 It is anticipated that there will normally be two daily public hearing sessions. These will 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 hour and a half time slots. However, if a short extension of no more than 10 minutes would, for example, facilitate the conclusion of discussion on a topic, this will be accommodated.

### **Participation**

- 5.8 It is intended that the public hearing sessions will be live-streamed to allow the IE to be observed; the forthcoming IE remote hearing protocol will provide details of how this can be done.
- 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. I also may invite additional participants if I consider it necessary. 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.
- 5.10 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, I currently see no need for further written evidence from any party.
- 5.12 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.

- 5.13 Participants will be expected to have familiarised themselves with the relevant documents relating to the matters for discussion. In particular, they should be familiar with:
- The Council's Local Development Plan 2030-Draft Plan Strategy
  - Draft Plan Strategy Consultation Report-Consideration of issues raised in representations and counter-representations including Appendix 1 (Document FODC109)
  - Schedule of proposed changes (Document FODC110)
  - The Commission's letter of 4<sup>th</sup> October 2021 to Fermanagh and Omagh District Council outlining some of my initial concerns in respect of the soundness of the plan (Document ED001)
  - The Council's response to the PAC letter of 4<sup>th</sup> October 2021 and associated appendices (Document ED002.A-G)
- 5.14 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 to follow the discussion of specific topics and/or issues subsequent to your previous appearance.
- 5.15 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 their comments on the points raised.
- 5.16 If I consider that it is necessary in order to assess the Plan's soundness, I may visit the council area before, during and/or after the public hearing sessions. I would do this unaccompanied 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](http://www.legislation.gov.uk/nia/2011/25)
  - The Planning (Local Development Plan) Regulations (Northern Ireland) 2015:  
[www.legislation.gov.uk/nisr/2015/62](http://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](http://www.infrastructure-ni.gov.uk/publications/development-plan-practice-notes)

5<sup>th</sup> November 2021