



PACWAC COVID-19 TEMPORARY RESPONSE MEASURES

VERSION 12

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BACKGROUND

PACWAC is always cognisant of the important public service we provide and we will endeavour to keep casework moving. We recognise however, that due to COVID-19 we may have to react to changing circumstances in ways which may not align with normal procedures.

Up to date information and advice in relation to COVID-19 is available on the Public Health Agency's (PHA) website <https://www.publichealth.hscni.net/covid-19-coronavirus>. Please refer to the PHA advice and adhere to the guidelines presented therein in relation to actions to take in relation to COVID-19.

In order to reduce the risk of spreading COVID-19 and keep both the public who interact with us and the Commission workforce safe, in line with the relevant government advice, the following measures will apply to all cases currently in the system and to all work received by PACWAC up to 30th June 2023, unless otherwise stated. All measures are based on information available at the time of writing and are subject to ongoing review. Please refer to the latest version of this document which will be available on the website.

GENERAL INFORMATION

If you have submitted an appeal, it is suggested that you do not wait on a letter to notify you of arrangements to start preparing evidence. We would ask that you please continue to prepare and submit evidence prior to notification of procedure dates.

When the office is open, post will be received and processed. With the introduction of our iCasework IT system we have started to request certain documents electronically. There may be occasion when we are not able to request information electronically and the Commission may request evidence in hard copy format. We expect parties to adhere to deadlines set for electronic or hard copy submission. The IT system generates an email with a link for the parties involved to upload their evidence electronically,

- Statements of case should be concise and preferably not exceed 1500 words.
- Documents should be sent in PDF Format;
- Documents submitted must be no larger than 50 MB and a maximum of 204MB in size;
- Pictures, photographs, plans, maps or drawings must be sent in PDF format.

If documentation is submitted electronically which does not comply with the restrictions, it will be rejected and no exchange of evidence will take place. It is the responsibility of the submitting party to ensure that the evidence complies with the aforementioned restrictions.

Where evidence is submitted both electronically as well as by hard copy, both formats must be submitted in time to meet the deadline set for submission.

While we acknowledge that the likelihood of office closures is currently low, we do have to be alive to that possibility whether that be down to government advice or shortage of staff.

In the future, where the Commission has specified a date for the submission of evidence in relation to casework and the office is closed on that date due to COVID-19, the submissions shall be regarded as having been received by the submission date if received by PACWAC within five working days of the office reopening (with Day 1 being the first day that the office is open) or there is proof of recorded delivery to show expected delivery on the specified date.

It is important to check the website regularly. This provision does not apply to new appeals as the Commission has no power to extend statutory deadlines. New appeals can be submitted electronically through the website or via email during any future office closure.

To ensure continuity of business operations in the event of further office closures or disruption to postal delivery services, we ask that all those interested in an appeal provide a current email address in order that we can issue correspondence electronically if this becomes necessary.

General access to view appeal files in Ann Street is now available. We would ask that you contact the office in advance through the info@pacni.gov.uk address to ensure that the file is available and to make an appointment for the viewing. A member of staff will be present throughout the viewing.

HEAR AND DECIDE CASEWORK

Written Representations (WR)

These will be dealt with in the normal way.

Special care may be required in relation to some site visits which, for example, require access to a dwelling. Where this is the case, individual arrangements will be made by the PACWAC admin team and all PHA advice will be adhered to in relation to the site visit. No interaction should take place with the appointed Commissioner. Where a site visit cannot be carried out in a safe way the appeal will be held in abeyance until it is considered possible to do so.

Accompanied Site Visits (ASV)

Requests for an ASV in respect of appeals received by PACWAC up to and including 31st March 2023 will not be accommodated. These appeals will be processed based on the written representations (WR) procedure with the Commissioner performing an unaccompanied site visit.

The special care provisions for WR will apply.

Requests for an ASV in respect of appeals received by PACWAC from 1st April 2023 onwards will be accommodated.

Hearings

The Commission has undertaken significant work to be able to facilitate remote hearings where possible and are now accommodating physical and hybrid hearings. This document outlines the additional measures in relation to hearings so that parties can become familiar with the expected processes.

Where an appellant or the planning authority advises the Commission in writing that they wish to change to a WR this will normally be accommodated, subject to any other party who exercised their right to a hearing being agreeable. Such requests must be made in writing, preferably by email to info@pacni.gov.uk. In this instance we will write out to the parties to enable the exchange of evidence and provide time for rebuttals to be prepared and submitted. The Commissioner will undertake an unaccompanied site visit. Hearings may still be necessary, however, in enforcement appeals where there are complex legal issues or significant factual disputes.

In all cases, work should proceed on preparing evidence and we will continue to set deadlines for submission of papers so that we will be able to progress the case at the earliest opportunity. In order to frontload the hearing process (in whatever form) and ensure that we can focus in on key areas of dispute it may be that we will request the submission of rebuttal statements. How an appeal proceeds is a matter for the Commission. If considered necessary, an appointed Commissioner may issue questions to be answered by one or more party to the appeal. These will be exchanged for comment or for information only as deemed appropriate by the appointed Commissioner.

Details in relation to how a remote hearing will progress are contained in PACWAC remote hearings protocol which is available on the website.

In line with government advice on how to prevent the spread of COVID-19 we have introduced a number of additional measures to facilitate physical hearings. For the short term any physical hearings will be accommodated in Ann Street with an option for parties to give evidence from a remote location. A number of hybrid hearings have been undertaken and feedback has been positive. Further guidance is contained in our Ann Street Attendance Guide.

Up to date information and advice in relation to COVID-19 is available at <https://www.publichealth.hscni.net/news/covid-19-coronavirus>. If you think you might be at risk of having already contracted COVID-19 you should refer to the PHA advice and adhere to the guidelines presented therein in relation to actions to take. This may mean that you will have to ask someone to attend public proceedings and make representations on your behalf or alternatively place reliance on previous written submissions.

It is expected that we will have to restrict numbers attending hearings due to venue capacity and continuing PHA advice to maintain some form of social distancing where practicable. This means the number of observers in the room may be limited to enable the PHA recommended social distancing of ideally no less than one metre between individuals. Parties who have submitted a statement of case will be asked in advance who is expected to attend as participants. Parties are expected to minimise the number of attendees or determine if they could be represented by a single person.

It is intended to facilitate observers at physical hearings. Details of the hearing will be published on our website and individual observers must register their interest in attending a particular hearing with the PACWAC admin team via email at info@pacni.gov.uk clearly stating the appeal reference number. This should be completed at least 24 hours in advance of the scheduled hearing time. The individual will be entered onto the attendees list up to the capacity of the room. Once the capacity of the room is reached the attendee list will be closed. In these special circumstances no one is to attend a hearing without previously being registered as a participant or an observer. If you are not on the attendee list it may not be possible to accommodate entry to the hearing.

It may be that due to critical individuals becoming ill or needing to self-isolate due to COVID19, arrangements for physical hearings may have to be changed at short notice. This may include the possibility of evidence being given remotely. This will be the preferred option in order to maintain the allocated hearing date. All correspondence requesting an adjournment must be submitted in writing (preferably by email). It should be noted that if the postponement is a necessary step we will try to reschedule at the earliest opportunity. Where we have contact details, the Commission will try to make contact if there has been a change in arrangements.

It should be noted that an initial hearing date, once set, will not be changed unless it is absolutely necessary to do so. If a hearing date does need to be amended the Commission will provide an alternative date.

HEAR AND REPORT CASEWORK

There is no statutory provision for inquiries and hearings to be converted to WR. The Commission will make arrangements for such hearings in due course. Those parties who requested the hearing will be given the opportunity for the case to be conducted remotely. Where a physical hearing is required, the Commission will write to the parties involved to ascertain numbers that are likely to be in attendance.

Work will continue on the initial stages such as requests for evidence etc. so that we will be able to progress cases at the earliest opportunity.

UK GDPR

Please be advised that if information is provided to the Commission in regard to a medical condition to justify a course of action in relation to our COVID-19 response, this information will be treated in a sensitive manner and in line with UK GDPR principles.

We hope that these temporary measures will equip all parties to deal with the ongoing situation but we will continue to keep this information under review and will update our response as the situation develops.

Thank you for your co-operation.