



**PACWAC
COVID-19
TEMPORARY
RESPONSE MEASURES**
VERSION 3

Date	Author	Detail	Version No.
01/05/20	CC	For Publication	1.0
21/09/20	MT	For Publication	2.0
30/03/21	CC	For Publication	3.0

BACKGROUND

PACWAC is very aware of the important public service that we provide and in line with existing government advice, as far as possible we will try and continue to keep casework moving. We are however live to the exceptional situation that we are currently facing and may have to react to changing circumstances in ways which may not align with our 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.

We will endeavour to continue with our work but we need to reduce the risk of spreading COVID-19 and also to keep the public who interact with us and the Commission workforce safe. These following measures will apply to all cases currently in the system. In anticipation of a continued period of restrictions and to give as much certainty as possible to participants these measures will also apply to all work received by PACWAC up to 30 June 2021. All measures are based on information available at the time of writing of this document and are subject to review. Please ensure that you refer to the latest version of the document which will be available on the website.

PARK HOUSE

Due to public health measures we will be operating with reduced administrative capacity. Please do not telephone or email administrative case officers directly at this time. All email correspondence should be sent to our info@pacni.gov.uk address, which is monitored daily.

If you have submitted an appeal we would suggest that you do not wait on our letter to notify you of arrangements to start preparing evidence. Please continue to prepare and submit evidence as this will allow us to progress your appeal at the earliest opportunity.

When the office is open post will be received and processed. Given the limitations with our IT system and reduced administrative capacity we will follow normal procedures in respect of requesting evidence in hard copy format and we expect parties to adhere to this established practice. We will however, facilitate the submission of evidence electronically where there are no third parties involved in the appeal with the following restrictions:

- It must consist of a single pdf document not exceeding 20MB in file size;
- All pages must be A4 (where large scale drawings are included the evidence should be submitted in hard copy);
- Submissions must be made to our info@pacni.gov.uk address;

- Parties are reminded that statements of case should not exceed 1500 words.

If we receive documentation electronically which does not comply with the restrictions our IT system may reject the email and no exchange of evidence will take place. It is the responsibility of the submitting party to ensure that the evidence complies with the restrictions.

We do have to be live to the possibility of office closures 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 the COVID-19 situation, 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 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 Park House is currently suspended. It may be possible to facilitate specific requests and contact should be made through our info@pacni.gov.uk address in the first instance.

HEAR AND DECIDE CASEWORK

Written Representations (WR)

These will be dealt with in the normal way. While we do expect issues with delivery timelines we will do our best in the circumstances.

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 parked until it is considered possible to do so.

Accompanied Site Visits (ASV)

Requests for an ASV will not be accommodated, these appeals will be processed based on the written representations (WR) procedure with the Commissioner performing an unaccompanied site visit. Parties will be notified in writing as soon as practical.

The special care provisions for WR will apply.

Hearings

The Commission has undertaken significant work to be able to facilitate remote hearings where possible and are making plans to accommodate physical hearings (when restrictions are eased). This document outlines the additional measures in relation to both aspects so that everyone 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.

We will write to parties who have exercised their right to a hearing to ascertain if they are willing to proceed via a remote hearing or wait until a physical hearing can be accommodated. We encourage parties to engage in the remote hearing process as we will be able to make arrangements to progress the case.

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 the parties. These will be exchanged for comment or information only as deemed appropriate by the appointed Commissioner.

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

Due to the COVID-19 situation we will be introducing a number of additional measures to facilitate physical hearings when restrictions are eased. Risk assessments will be carried out in potential venues and standard public health measures should be adhered to. Hearings will only take place in PACWAC reviewed venues. 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 or are in an at risk group 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 who is not within either of these categories 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/or government restriction on numbers. The number of observers in the room may be limited to enable the PHA recommended social distancing 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 our admin team via email on our info@pacni.gov.uk address, 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 venue closures, lack of availability of an allocated Commissioner, or if a team member critical to the Council or appellant's case is in self isolation, arrangements for hearings in person may have to be changed at short notice. This may include the possibility of evidence being given remotely. All correspondence requesting an adjournment must be submitted in writing (preferably by email) and must state the expected period of self-isolation. It should be noted that if the postponement is a necessary step we will try to reschedule at the earliest opportunity. In making new arrangements priority will be given to rescheduling hearings in relation to enforcement appeals. Where we have contact details the Commission will try to make contact if there has been a change in arrangements. We will update our website and all parties are advised to refer to the 'Latest News' section on the website 24 hours in advance of the scheduled hearing in person to confirm if it is proceeding as planned.

The Commission is also hoping to facilitate hybrid hearing sessions where some parties may be physically present in Park House with some parties presenting evidence remotely.

HEAR AND REPORT CASEWORK

There is no statutory provision for inquiries and hearings concerning regionally significant or called-in planning applications to be converted to WR. The Commission will make arrangements for hearings in due course. Those parties who requested the hearing will be given the opportunity for the case to be conducted remotely.

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.

COMPLAINTS

Due to the current situation the Independent Complaints Audit Panel will not be asked to convene and attend our offices to review the 2019-20 complaints. It is intended that a review of the 2019-20 complaints will be combined with a review of any 2020-21 complaints and reported on in due course. Due to the reduced resources that we have available, timelines for responding to complaint letters are unlikely to be achieved.

UK GDPR

Please be advised that if information is provided to the Commission in regards 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.