



Planning Appeals
Commission

Independent Examination Belfast Local Development Plan Draft Plan Strategy 2035

GUIDANCE NOTES FOR PARTICIPANTS

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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 Belfast Local Development Plan – Draft Plan Strategy 2035 (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 opened remotely on 16 November 2020 for an initial fortnight. They will resume at 10.30am on Monday 18th January 2021 by the same means.
- 1.4 Some people will be more familiar with video conferencing technology than others and we will have to make allowances for this, adapt and learn from the experience as we go along. However, 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 Belfast 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 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: BCC.LDP@pacni.gov.uk

Telephone: 02890 89 39 19

By post: Belfast 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: [www.belfastcity.gov.uk/planning-and-building-control/planning/local-development-plan-\(1\)/local-development-plan](http://www.belfastcity.gov.uk/planning-and-building-control/planning/local-development-plan-(1)/local-development-plan). If you have any queries on accessing the documentation, please contact Belfast City Council's Planning Office at localdevelopmentplan@belfastcity.gov.uk or on telephone number 028 9050 0510.
- 3.2 Copies of all relevant examination documents collated by the PAC are available to view on the internet via the BCC Examination Library webpage on our website: www.pacni.gov.uk/node/120/
- 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/ are listed below.
- Ardoyne Library, 446 - 450 Crumlin Road, Belfast, BT14 7GH
 - Ballyhackamore Library, 1-3 Eastleigh Drive, Belfast, BT4 3DX
 - Belfast Central Library, Royal Avenue, Belfast, BT1 1EA
 - Chichester Library, 109 Salisbury Avenue, Belfast, BT15 5EB
 - Colin Glen Library, Unit 17 The Dairy Farm Centre, Stewartstown Road, Dunmurry, BT17 0AW
 - Cregagh Library, 409-413 Cregagh Road, Belfast, BT6 0LF
 - Falls Road Library, 49 Falls Road, Belfast, BT12 4PD
 - Finaghy Library, 38B Finaghy Road South, Belfast, BT10 0DR
 - Grove Library, Grove Wellbeing Centre, 120 York Road, Belfast, BT15 3HF

- Holywood Arches Library, 4 - 12 Holywood Road, Belfast, BT4 1NT
 - Lisburn Road Library, 440 Lisburn Road, Belfast, BT9 6GR
 - Newtownbreda Library, Saintfield Road, Belfast, BT8 7HL
 - Ormeau Road Library, 247 Ormeau Road, Belfast, BT7 3GG
 - Shankill Road Library, 298-300 Shankill Road, Belfast, BT13 2BN
 - Suffolk Library, Stewartstown Road, Belfast, BT11 9JP
 - Tullycarnet Library, Kinross Avenue, Kings Road, Belfast, BT5 7GF
 - Whiterock Library, Whiterock Road, Belfast, BT12 7FW
 - Woodstock Library, 358 Woodstock Road, Belfast, BT6 9DQ
- 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 COMMISSIONERS

- 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 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 our report will be on the soundness of the Plan and not on individual representations. Accordingly, our 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 our 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 published programme for the 2021 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. Updated versions will be published in the Examination Library of the Commission’s web-site. Please note this is a working document.
- 5.4 The list of detailed topics, issues and questions for the remainder of the public hearings will be published on the examination website on or before Friday 18th December 2020. These will form the agenda for each hearing session.
- 5.5 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 web-site which may be amended on an on-going basis. We aim to stick to the scheduled two hour time slots. However, if an extension of no more than a half hour would, for example, facilitate the conclusion of discussion on a topic, this could be accommodated.

Participation

- 5.6 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 11th January 2020.
- 5.7 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.
- 5.8 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. We also may invite additional participants if we consider it necessary. 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.
- 5.9 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.

- 5.10 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 currently see no need for further written evidence from any party. However, there may be matters arising during the public hearing sessions that the Commissioners need further information on. A schedule of these matters will be recorded and will be 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 will be returned to the sender.
- 5.11 In responding to our 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.
- 5.12 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 “Draft Plan Strategy – Public consultation report August 2019” (including Appendices A, B, C and D1 - D7 inclusive) as it relates to the issues raised in their representation. Particular attention is drawn to Section 7 of the report whereby the Council may be proposing to amend policies to which their representations relate. This is document BCC-DPS-ConRep [SD006] ([Link](#))
 - The Council’s “Draft Plan Strategy - Counter-representations report August 2019” as it relates to their counter-representation. This is document BCC-DPS-CRepRpt [SD007] ([Link](#))
 - The Commission’s letter of 3 July 2020 to Belfast City Council outlining some initial concerns that we had in respect of the soundness of the Plan [ED001.A] ([Link](#)); and accompanying Table [ED001.B] ([Link](#))
 - The Council’s letter [ED002.A] ([Link](#)) and response [ED002.B] ([Link](#)) of 31 July.
- 5.13 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.
- 5.14 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 their comments on the points raised.

- 5.15 If we consider that it is necessary in order to assess the Plan’s soundness, we may visit areas of the city before, during and/or after the public hearing sessions. We would do so 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 web-site.

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

26th November 2020