



**PACWAC  
COVID-19  
TEMPORARY  
RESPONSE MEASURES**  
VERSION 1

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## 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 all parties 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 23 September 2020. All measures are based on information available at the time of writing of this document and are subject to review.

## PARK HOUSE

The office will reopen on 11 May 2020. Due to social distancing 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](mailto:info@pacni.gov.uk) address, which is monitored daily.

We will be in contact with parties in due course and will generally be addressing cases in sequential order subject to their stage of processing. 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 limitation with our IT systems 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 electronically of evidence with the following restrictions:

- It must consist of a single pdf document not exceeding 20MB in file size;
- Submissions must be made to our [info@pacni.gov.uk](mailto:info@pacni.gov.uk) address.

If we receive documentation which does not comply with the restrictions it will not be accepted 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 in the future 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 that you 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.

At times of office closure we will continue to issue decisions as and when we can. We will do so by email and therefore if you have submitted evidence to the Commission in relation to an appeal and have not previously provided email contact details we would ask that you do so.

## **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.

### **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.

### **Hearings**

Our guidance issued on 18 March 2020 included advice in order to reduce the risks at hearings. However, the current government restriction on public gathering of two or more people mean they cannot take place in the normal manner. All arrangements for hearings are currently suspended and no new dates for hearings as we know them will be set until either restrictions are eased or we are able to develop a solution which uses alternative technologies.

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](mailto: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 will still be necessary, however, in enforcement appeals where there are complex legal issues or significant factual disputes.

How the appeal proceeds is a matter for the appointed Commissioner. 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. If they consider having reviewed the papers that a hearing is necessary the appeal will be parked until such times that the hearing (in whatever form) can take place.

We appreciate not all appeals can be dealt with through the WR method and will be looking at the possibility of using alternative technologies pending an easing of restrictions. This presents a number of challenges which we will have to work through. A separate protocol for hearings to be conducted using alternative technologies will be produced as necessary.

Work should proceed on preparing evidence and we will continue to set deadlines for submission of papers so that once restrictions are eased or we are able to provide a technical solution we will be able to progress the case at the earliest opportunity. In order to frontload the hearing process and ensure that that we can focus in on key areas of dispute it may be that we will request the submission of rebuttal statements.

If the restrictions are eased and hearings in person are able to resume we ask that if you do attend please follow the advice provided by the PHA to avoid the risk of infection <https://www.publichealth.hscni.net/covid-19-coronavirus>. Please consider carefully who needs to participate in the hearing and if you could be represented by a single person. Dependent on the nature of the venue the presiding Commissioner may ask for the number of observers in the room to be limited to enable the PHA recommended social distancing between individuals.

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 (once it is possible to arrange them) may have to be changed at short notice. 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 for the earliest opportunity. In making new arrangements priority will be given to rescheduling hearings in relation to enforcement appeals. 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 to confirm if it is proceeding as planned.

## **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.

Hearings in this area of our work (which includes independent examinations) cannot currently take place. As outlined above we will be considering how alternative technologies can be used for our Hear and Decide casework and we will take lessons learned from this to ascertain if they will provide a solution for this type of casework pending an easing of restrictions.

How PACWAC move forward will be dependent on a number of factors. Where feasible, work is likely to continue on the initial stages such as requests for evidence etc. so that once restrictions are lifted we will be able to progress the cases at the earliest opportunity. A member of our admin team will be in contact as soon as reasonably practical.

We hope that these temporary measures will equip all parties to deal with the current 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.**