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Our Ref: COVID-19 TM

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BY EMAIL

Dear Roisin

RE: COVID-19 TEMPORARY MEASURES

I would like to thank you for your recent correspondence received through the Northern Ireland Planning Bar Association. I am taking this opportunity to write to you directly to advise that PACWAC is very aware of the important public service that we provide and the wider contribution that our work can make. We realise our efforts will be critical as and when we move into a recovery phase. In the meantime we need to reduce the risk of spreading COVID-19 and also to keep all parties and the Commission workforce safe. Our office is currently closed and we are using this time to prepare advice and guidance on how we take the work of the Commission forward in these unprecedented times. Inevitably this will involve some measures which do not align with our normal procedures.

The office closure will be kept under regular review and decisions to reopen will be made in line with further Government announcements. A small number of our admin team are now able to work remotely. Capacity is however limited and the main focus is on planning for a return and on developing action plans as to how best we can move the work of the Commission forward in what is likely to be a period of continued flux. At this point in time all informal hearings and arrangements for the submission of papers are suspended. New appeals can continue to be made electronically. Commissioners continue to work on cases in hand and we have prioritised the issuing of decisions as we appreciate the importance of delivering justice to the planning community. When we reopen we will take steps to advise participants regarding new arrangements. This will take some time to work through but we anticipate we will generally be dealing with cases in date order subject to their stage of processing.

Inevitably the elements of our casework which are due to progress with an oral hearing will provide the greatest challenge. The legislation governing most types of appeal requires the Commission, if either the appellant or the planning authority wishes to appear before and be heard by it, to facilitate that request. We appreciate that hearings are the only suitable way of dealing with some cases and are actively exploring alternatives to hearings in person. Our sponsor body is the Department of Justice and we are calling on their technical knowledge to help take this forward. We are currently trialling Zoom for some meetings and will be investigating other alternatives for remote hearings. It may take us a little time to work to develop solutions.

Our advice of the 18 March still applies and we have advised that where an appellant or the planning authority advise the Commission in writing that they wish to change from an informal hearing to a written representations procedure in a non-enforcement case, this will be accommodated, subject to any other party who exercised their right to a hearing being agreeable. In this instance, when we are open again, we will in due course write out to the parties to enable the exchange of evidence and provide time for rebuttals to be prepared and submitted. We acknowledge that even in these cases once the Commissioner has reviewed the papers they may consider a hearing is necessary and the appeal will be parked until such times that the hearing (in whatever form) can take place.

We had been reviewing our IT systems in line with commitments given in our Corporate and Business Plans. We know our current systems are not fit for purpose and they will restrict what we are capable of doing in the short term. We will however try to be as accommodating as possible in terms of the use of technology and will be using the lessons learned during this extraordinary period to accelerate our work going forward.

Like many in the planning system, we have been making difficult decisions in order to balance the processing of casework against ensuring the safety and wellbeing of our Commissioners and administrative staff both now and in planning for the immediate future. We will continue to post wider updates on our website.

Yours sincerely

Andrea Kells
Chief Commissioner
