

DPEA Guidance Note 25

Selecting in-person, virtual or hybrid procedure for pre-examination meetings, hearings and inquiries

Each case is unique and must be considered on its merits. It is for the person appointed to determine the case to satisfy themselves that the application of the practice contained in this note is appropriate to the circumstances of the case. A reporter who intends to depart from the guidance should advise the Duty Principal Reporter so issues emerging can be considered for future case work.

Guidance note for:	Reporters and parties
Relating to:	This Guidance Note applies to all proceedings before Reporters, whether planning permission appeals or applications, local development plan examinations, CPO and other Orders, wind farm applications, or other such proceedings.
Background:	<p>Pre-examination meetings (PEMs) and inquiry and hearing sessions have traditionally been held in-person, usually in a venue close to the subject of the appeal. Covid-related restrictions meant that DPEA had to introduce virtual events, usually via MS Teams, in order to ensure continuity of business. As Covid restrictions have lifted, DPEA has transitioned back to holding some events in-person, some virtually, and some a mix of the two.</p> <p>Consultation with the DPEA Stakeholders Group indicates that there are mixed views on how events should be held, but general agreement that there continues to be a role for virtual procedure. Feedback can be summarised as follows:</p> <ul style="list-style-type: none"> • Appellants and agents tend to favour in-person events, but acknowledge a continued role for virtual sessions where that is appropriate • Public bodies welcome the efficiencies and cost savings resulting from virtual participation • Virtual participation depends on good internet connection; this can be more of an issue for third party individuals or groups, particularly in rural areas • Virtual events can however, be less adversarial and intimidating for third party participants

	<ul style="list-style-type: none"> • There are mixed views on the effectiveness of cross-examination in virtual events • Virtual events can be more quickly and readily organised than in-person events • There is widespread support for hybrid procedure, where individual sessions within an inquiry may be held either in-person or virtually to suit the characteristics of each session • There is widespread acknowledgement that PEMs ought more often than not to be conducted virtually, with the ability to readily organize a series of these as the case demands • DPEA should investigate the practicalities of providing location-neutral events, where participants can join either in-person in the inquiry room, or join remotely as they prefer
DPEA consideration:	<p>DPEA strives to make PEMs, hearings and inquiries as inclusive as possible. Webcasting of events has, since 2016, assisted in allowing significantly increased numbers of interested parties to follow events live, or watch them later as a recording.</p> <p>In the last 2 years, a total of 120 webcasts have been viewed by 9500 individuals (live and after the event). On 55 occasions, there have been more than 50 observers. This is in contrast to relatively low numbers who are able or willing to observe events in-person. This widening of access to environmental justice provides a strong foundation to build on.</p> <p>In a period of diminishing budgets, and taking into account feedback from Stakeholders, DPEA has invested in staffing and technology to facilitate location-neutral events. We will harness that technology as far as practicable, and in tandem with our webcasting resource, to facilitate effective PEMs, hearings and inquiries which are open, less-intimidating, proportionate, cost-effective and available to view by as many interested parties as possible.</p> <p>This approach will on occasion have to balance the advantages of meeting in-person against resource considerations and the advantages of being able to webcast events.</p>
DPEA practice:	<ol style="list-style-type: none"> 1. Reporters will decide the appropriate format for each PEM, inquiry or hearing session, taking account of: <ol style="list-style-type: none"> a. the characteristics of the case b. the views of likely participants and their number, with the aim of facilitating an inclusive format c. the proportionate and efficient use of public resources d. the availability of webcasting staff and options

	<p>2. In deciding on format, Reporters will take the following factors into account:</p> <ol style="list-style-type: none"> a. Individual sessions within an inquiry may be held in different formats depending on the subject matter and range of participants b. PEMs are well-suited to being held virtually, and can be held in a series if necessary to resolve issues, particularly in the run up to a large scale inquiry c. Sessions with fewer participants and those with no third parties are more likely to be held virtually d. Reporters may take into account the preferences of the participants as to format e. DPEA will facilitate location-neutral events where there is a demand for that and a suitable venue and staff resource is available. This will allow participants to join in-person or virtually as they prefer. It will be important however, that the reporter is not in the venue with one party only
<p>Location-neutral procedure:</p>	<p>The reporter should seek clarification from the Duty Principal Reporter & the Head of Administration and Performance to ensure that hybrid in-person and virtual participation is a suitable option for the proposed session. If parties are seeking hybrid sessions, this will impact on the venue choice and must be taken into consideration when discussing potential venues at PEM and in correspondence. The venue must have excellent wifi internet connection and must be suitably equipped to allow a large screen monitor and additional wiring to be set up.</p> <p>If parties raise the issue of hybrid participation and it has been agreed that this will be facilitated then the following statement can be used as a basis for discussion at the PEM:</p> <p>“The DPEA can now facilitate hybrid participation at in-person events, however this is subject to venue internet connection and room facilities, as well as the attendee’s own internet connection and IT equipment. Hybrid attendance should only be used by those actively participating in the session; the ability to observe proceedings will continue to be available on the DPEA webcasting site. Anyone who requires to participate in the session virtually must let the DPEA know well in advance of events to allow suitable testing and arrangements to be made to accommodate this. After testing it may not be possible to facilitate virtual participation and alternative arrangements for attendance should be explored.”</p> <p>Prior to location-neutral event</p> <ol style="list-style-type: none"> 1. Reporter/ case officer informs IT of need for hybrid meeting due to parties wishing to appear remotely

	<ol style="list-style-type: none">2. IT check wifi speeds from venue questionnaire to confirm whether this will be possible; this may involve requesting further information and/ or testing at the venue3. Once content, IT confirms with reporter/ case officer that hybrid meeting is possible; case officer then inform parties that the session will be hybrid4. Case officer provides IT with contact details for remote participants, so connectivity testing can be conducted5. At least a week before, IT will set up a Teams call for the remote participants and pass the details to the case officer, who then sends the details to anyone appearing remotely6. If there are multiple days of hybrid sessions, a separate Teams call will be set up for each day
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