

# **Virtual and 'Blended' Local Plan Examination Hearings**

## **Guidance and Information for Local Planning Authorities**

## **1. Introduction**

- 1.1 The ongoing Coronavirus pandemic means that it is not currently appropriate to undertake local plan examination hearings in a traditional 'face-to-face' only manner because they require people to attend in person if they wish to participate in or observe the hearings. Instead, for the foreseeable future, local plan examinations will need to take place as either entirely virtual hearings or a blend of face-to-face and virtual hearings.
- 1.2 In line with the longstanding approach of the Local (or Minerals) Planning Authority (LPA) being responsible for organising the venue for local plan hearings, we anticipate that wherever possible the LPA will 'host' virtual and blended local plan hearings.
- 1.3 Determining the exact format for the hearings will be the responsibility of the appointed Inspector, although in doing so they will have regard to the views of the LPA and other examination participants. However, this document briefly explains the likely format of entirely virtual and 'blended' local plan hearing sessions and details the requirements for LPAs hosting such events.

## **2. Entirely Virtual Hearings**

- (a) All the hearing sessions are held, and all participants take part, by video conference (probably using MS Teams or Zoom) with a facility for those who do not have access to the internet to take part by telephone. (*eg Welwyn Hatfield Local Plan Stage 8 Hearings and West Sussex/South Downs NPA Joint Mineral Local Plan Soft Sand Review Hearings, both by Zoom*).
- (b) The hearing sessions are live-streamed or recorded and then posted on the examination website to enable observers to watch the proceedings. If only a limited number of observers are anticipated it may be feasible to invite them to be silent participants at the Zoom/Teams event rather than live-stream or record the hearings. 'MS Teams Live' is designed to broadcast one speaker rather than a discussion, so is unlikely to be a suitable means of broadcasting the hearings to observers.
- (c) Ideally the LPA-appointed Programme Officer will be able to host or co-host the Zoom/Teams event in order that they can issue invitations to participants and admit them to the hearing. If hosting/co-hosting of the meeting by the Programme Officer is not possible, a member of LPA staff, who has not been involved in the preparation of the plan, will be required to do this, under the direction of the Programme Officer.
- (d) For short, individual hearing sessions involving a small number of participants (and no or very few observers) it may be feasible to hold the hearing solely by telephone conference (*eg Rossendale Gypsy and Travellers Transit Site Hearing*)

### **3. 'Blended' (face-to-face and virtual) Hearings**

- (a) Socially-distanced face-to-face sessions in a COVID-secure venue are held for some or all of the hearings with the facility for participants who are unable/do not wish to attend in person to take part by video/telephone conference. In the current circumstances it would be unlikely to be appropriate to not provide for the right to be heard by representors who are unable/do not wish to attend in person.
  - (b) The video/telephone conference element could take place:
    - Simultaneously with the relevant face-to-face hearing session;
    - Separately from, but immediately following, the relevant face-to-face hearing session with the LPA officers and Inspector(s) based in the face-to-face hearing venue; or
    - Separately and on a different day from the relevant face-to-face hearing session with the LPA officers and Inspector(s) based wherever is most convenient for them.
  - (c) The face-to-face and virtual elements of the hearings are live-streamed or recorded and uploaded on to the examination website to enable observers to watch the proceedings without needing to attend in person.
  - (d) Arrangements for the Programme Officer to host/co-host the video conference elements of the hearings would be the same as for entirely virtual hearings.
  - (e) 'Blended' events are likely to be appropriate where there are specific reasons why the hearings require a face-to-face event (eg the complexity of the issues and/or the need for roundtable discussions amongst a significant number of participants) and the Inspector(s), LPA and most participants are willing and able to take part in person.
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## **BEFORE VIRTUAL OR 'BLENDED' LOCAL PLAN HEARINGS CAN TAKE PLACE CONFIRMATION IS NEEDED FROM THE LPA THAT THE FOLLOWING REQUIREMENTS ARE IN PLACE OR WILL BE PROVIDED:**

### **4. Detailed Requirements for LPA-hosted entirely virtual events**

- 4.1 If we have not already done so we will, in most cases, set up an initial virtual meeting with relevant officers at the LPA to discuss the practicalities for the hearings and in particular the IT and Data Protections/GDPR requirements. However, in brief, the requirements are as follows:

## Digital/IT Requirements

(contact [plans.admin@planninginspectorate.gov.uk](mailto:plans.admin@planninginspectorate.gov.uk) with any queries)

- (a) MS Teams or Zoom Video Conferencing. (Please contact us to discuss use of any video/telephone conference technology other than MS Teams or Zoom.)
- (b) A facility to join the MS Teams or Zoom event by telephone for those who do not have internet access.
- (c) Arrangements in place for observers to watch the proceedings in the form of live streaming (with any comments facility disabled), recording and publishing on the examination website or (if only a small number of observers are anticipated) admittance as silent participants to the Teams/Zoom event.
- (d) Arrangements for the Programme Officer to host or co-host the Teams/Zoom event enabling them to invite participants and admit them to the hearing. Where this is not possible an LPA officer (who has not been involved in the preparation of the plan) will need to host the event, under the direction of the Programme Officer
- (e) The LPA will be required to provide necessary training for the Programme Officer in the use of Teams/Zoom, to cover how to invite, admit and 'label' participants by both video and telephone.
- (f) The LPA should provide a brief written note explaining (i) how participants should join and take part in the hearings and (ii) how observers can watch the proceedings. The Inspector will incorporate this note into his/her Guidance Note for the Examination Hearings.
- (g) In advance of the hearings the LPA will be required to host:
  - A 'Mock Hearing' for the Inspector and Programme Officer (and other PINS staff who will 'play' the roles of other participants). PINS will liaise with the LPA via the Programme Officer to agree a suitable date for the Mock Hearing. However, other than IT support and the Programme Officer, LPA officers' attendance at the Mock Hearing will not be required.
  - A 'Test Hearing' for the Programme Officer, LPA planning officers and other participants to familiarise them with the technology.
- (h) The LPA should ensure that IT/Digital support staff are on hand whilst the hearings are taking place to resolve any technical issues.

## Data Protection / GDPR Requirements

(contact [plans.admin@planninginspectorate.gov.uk](mailto:plans.admin@planninginspectorate.gov.uk) with any queries)

- 4.2 We will need to ensure that data protection requirements have been met in respect of the personal data that is collected and shared between the LPA and PINS.
- 4.3 This will mean that the Service Level Agreement (SLA) that is already in place will be supplemented by a Data Sharing Agreement (DSA) to formalise the sharing of data in the virtual event environment.
- 4.4 We will seek to confirm that you have undertaken due diligence on your chosen hosting platform (ie Zoom or Teams) and ensure that your

proposed use of the platform complies with applicable GDPR/Data Protection legislation.

4.5 We will require the following paperwork to be in place before the test hearings take place:

- **Data Sharing Agreement** – PINS to provide a template to specifically cover the Joint Controller relationship and the respective obligations and liabilities of the parties. A generic template DSA is attached **for information only – please note that a draft DSA will be forwarded once we have full details.**
- **Privacy Notice** - We will require PINS' Privacy Amendment Notice to (1) be uploaded onto the Examination website; and (2) be sent to the hearing participants with the invitations and/or ahead of the hearings in any event. (Please note that the LPA Privacy Notice will also need to reflect the virtual hearing processing.)

4.6 We attach a questionnaire to be completed and returned with relevant information so that we can review the information and, if required, contact the appropriate Data Protection personnel at the LPA. It is advisable to complete and return the questionnaire after we have had the initial virtual meeting with you.

## **5. Detailed Requirements for LPA-hosted 'blended' events**

(contact [plans.admin@planninginspectorate.gov.uk](mailto:plans.admin@planninginspectorate.gov.uk) with any queries)

- 5.1 For 'blended' events the requirements for the virtual elements of the hearings will be as detailed above for entirely virtual events. In addition, the following will be required concerning the face-to-face elements of the hearings:
- (a) A statement from the LPA as to why it considers that a face-to-face element to the hearings is necessary.
  - (b) A statement that Local Plan hearings can lawfully be held at the proposed venue on the proposed dates.
  - (c) Details of the proposed venue, having regard to the Government Guidance detailed below, including:
    - Information on the arrangements for social distancing (in the hearing room and the rest of the building) and a statement of the maximum number of people who can be accommodated in the hearing room (ideally this should include a plan showing how the room will be laid out for the hearings).
    - A copy of the Covid-19 secure risk assessment for the building/hearing room (which should be placed on the Examination Website prior to the hearings).
    - Arrangements for temperature testing and/or health screening forms to be completed by attendees, or an explanation of why these are not necessary.
    - A note explaining the Covid-19 secure arrangements/requirements for participants at the hearing which the Inspector will incorporate into his/her Guidance Note for the Examination.

<https://www.gov.uk/government/publications/covid-19-guidance-for-the-safe-use-of-council-buildings/covid-19-guidance-for-the-safe-use-of-council-buildings>

<https://www.gov.uk/guidance/working-safely-during-coronavirus-covid-19/the-visitor-economy>

Planning Inspectorate – December 2020

## **Data Protection Questionnaire for Local Plans**

To be completed by the Local Planning Authority (LPA) and returned to:

plans.admin@planninginspectorate.gov.uk

<b>Data Protection Questions</b>	<b>LPA Responses</b>
1. Name and address of LPA.	
2. Name and address of 2 <sup>nd</sup> LPA if applicable.	
3. Contact details of individuals to contact to discuss DP requirements.	
4. Please confirm your hosting platform eg Zoom / Teams etc.	
5. Please confirm if a DPIA was carried out on the use of the platform (yes or no answer is sufficient).	
6. Please confirm that your proposed use of the hosting platform complies with the applicable GDPR/UK Data Protection legislation.	
7. Name and contact details for single point of contact to be included in the Data Sharing Agreement (DSA).	
8. Please provide name and contact details of signatory to the DSA on behalf of the LPA.	
9. Please confirm that the LPA's Privacy Notices are to be amended as appropriate to reflect virtual hearings.	
10. Please confirm how/when the PINS Privacy Notice will be provided to participants by the Programme Officer eg at invitation stage or later?	

11. Please confirm that PINs' Privacy Notice will be published on the Examination website.	
12. Please confirm if the hearings are to be livestreamed and, if so, to what platform.	
13. Please confirm if the hearings are to be recorded.	
14. If applicable, will a recording of the hearing be made available and, if so, how?	
15. Please confirm how long the recording will be kept for before deletion?	
16. Please confirm method of deletion of data.	