

**2011 ISLAND PLAN INTERIM REVIEW
EXAMINATION IN PUBLIC**

PRE EXAMINATION MEETING

**THURSDAY 21 NOVEMBER 2013, 9.15 AM
ST PAULS CENTRE**

INTRODUCTION

- 1.1 The Meeting was purely procedural, to explain the processes involved in examining the Proposed Revisions to the Jersey Island Plan. There was no discussion for or against any aspect of the Plan; as that is for the examination itself.
- 1.2 Mr Chris Shepley introduced himself as the lead Inspector appointed to hold the Examination in Public (EiP). He has his own planning practice and was previously head of the Planning Inspectorate for England and Wales.
- 1.3 Mr Alan Langton has been appointed as the Assistant Inspector to the Examination. He was previously a Director with the Planning Inspectorate responsible for all work in Wales and Major/Specialist casework in England. He had previously worked in the public and private sectors.
- 1.4 Mrs Helen Wilson is the Programme Officer for the Inquiry. She has been a Programme Officer for nineteen years and was involved in the Esplanade Quarter, Plémont and Field 622 Inquiries.

DESCRIPTIONS OF ROLES

- 2.1 The Inspectors will divide the matters between them taking account of their respective areas of expertise.
- 2.2 The Programme Officer is the organiser, administrator and link person. All communication should be through her, as there will be no direct contact with the Inspectors outside the Examination. Any queries and questions about procedure should be directed to the Programme Officer.

INTERESTS

- 3.1 The Inspectors are entirely independent and have no personal involvement with, the States, or any other party or individual concerned with this Examination. They carried out an Examination in 2010 into the Draft Island Plan, to which the States now propose revisions. The Inspectors stress however that they intend to consider all these matters afresh, in the light of the circumstances of today, and as the Guidance Notes say, nobody should be reluctant to challenge the conclusions that they reached at that time.

- 3.2 Mr Shepley has done work in Jersey before as many will know and in the interest of transparency it is best to spell this out. He worked on a review of the Planning Function in Jersey in 2004. And was also commissioned in 2006 to report on the results of consultations regarding proposals for the Waterfront, subsequently to assist with the production of Supplementary Planning Guidance for the Waterfront and in the autumn of 2008 he conducted a public inquiry/examination with Mr Langton into the Waterfront planning application.
- 3.3 Mr Langton's previous work on Jersey has been to assist Mr Shepley with regard to the Waterfront proposals and in their Examination of what is now the 2011 Island Plan. More recently he considered the Plémont Holiday Village application.
- 3.4 Since Helen Wilson was appointed as the Programme Officer neither Inspector has had (or will have) any direct contact with the States, or indeed any other party.

THE PRINCIPLES

- 4.1 During the public consultation period, the States received approximately 670 representations for or against aspects of the Proposed Revisions from some 225 individuals or organisations. The Inspectors will have regard to all of these and to the Minister's responses which were published on Tuesday 12 November in preparing for the Examination.
- 4.2 The principles that the Inspectors have adopted are: in the first week to have detailed debates on key policy issues with selected groups of participants each limited to around 10-12 people representing a cross section of views so that they can be fully informed and hear the arguments at some length; and there will also be detailed considerations of the 7 additional sites being suggested for housing in the Revised Plan, to which the Inspectors are inviting individuals and organisations most directly concerned in each case.
- 4.3 On the Friday of first week the Inspectors have included an open session for States Members, followed by one open to all respondents, to ensure that everyone has the opportunity to appear and be heard.
- 4.4 During the second week the Inspectors will focus on individual sites, being promoted for inclusion in the Revised Plan as potential housing sites, to which they are again inviting those most directly concerned, both for and against.
- 4.5 On the last day the Inspectors will conclude by asking the Minister's representative to make a final summary of his responses, to what has been considered during the course of the whole process.
- 4.6 It is stressed that all sessions will be conducted in public and anyone is most welcome to come and observe, even if they are not invited to take part in that particular session.

SITE VISITS

- 5.1 Prior to their consideration at the EiP the Inspectors will have visited, or in many cases revisited, all sites being suggested for housing. The purpose of those visits is to see the sites on the ground to gain a better appreciation of issues likely to be debated at the EiP. Under no circumstances will the Inspectors engage in conversations during site visits, regarding the merits of that site or indeed anything else. All debate must take place in public at the Examination.

ROUND TABLE SESSIONS

- 6.1 The purpose of these sessions is to have a debate in reasonable depth on the key issues which have been raised in the representations, or which the Inspectors have concerns about on the basis of what they have read.
- 6.2 A list of topics and participants was published in draft on 13th November; which includes a draft timetable, together with a list of the topics which the Inspectors feel, on the basis of the representations made, are the ones which require discussion. It also shows which organisations and individuals they think would be most appropriate at the round table sessions. Those respondents not invited to participate will be able to appear at the open session. Consultation on this list closed on the day before the Meeting, but the Inspectors were prepared to hear from those respondents who might have comments on the list.
- 6.3 The Inspectors' aim is to get a mixture of different views at each session. Representatives of the Minister will participate at each session and will be able to respond to comments made and join in the debate; other individuals or organisations are invited to a session or sessions only on the topics most relevant to their interests and expertise. There are practical limits on the numbers of participants, but anyone may attend any session to observe.
- 6.4 The Inspectors' intention is that only those have made representations will be invited to participate. They have set these rules for both fairness reasons (the States are entitled to know, and be prepared for, whatever evidence may be presented and the Inspectors also wish to prepare properly and not to be confronted with "surprises" at the Examination); and also for practical reasons so that the Inspectors can fix the timetable. The exception to this is that, as Inspectors they have the right to invite organisations or individuals who have not made representations but who they feel have an important contribution to make to the Examination.
- 6.5 The "final" list of topics and participants will be published on 27 November. There will however be an opportunity for further representations, between 27 November and 13 December. The primary reason for this is that there may be people who want to comment upon or take issue with representations made to date; but other issues may arise and it is possible that following this that the List of Topics and Participants may change. The very final list will be published on 20 December. The previous experience of the Inspectors is that the list is unlikely to change substantially, but of course the outcome of the further representations cannot be predicted.

- 6.6 All those who are invited to take part in the round table policy topic sessions will be invited to prepare statements, and the word limits are set out in the List of Topics and Participants. All those who are invited to take part in a session considering a specific proposed housing site, or who wish to attend an open session will be invited to prepare statements of not more than 500 words. Statements are not compulsory, original representation can be relied upon (the Programme Officer should be informed if that is what you wish to do). But written statements are very helpful in summarising the key points, not just for the Inspectors but for all the parties. Statements are required by 2pm on 13 December for the policy topic statements and housing site statements. The word limits will be strictly enforced. They should be sent to the Programme Officer and she will circulate them to all parties by 20 December. The closing date for statements to an open session is also 13 December. Further details are given in the Guidance Notes for Participants and Observers and these should be carefully followed.
- 6.7 The Inspectors particularly request that you are as precise as possible and state exactly the changes you seek, and follow carefully the guidance in the notes that the Inspectors have published.

PRE-EXAMINATION DISCUSSION

- 7.1 The Inspectors strongly encourage parties to engage in discussion before the Examination, if it seems possible that a matter can be resolved. The States in particular may wish to approach those who have made representations to see whether their wishes can be accommodated. Any changes proposed as a result of such discussion should be communicated to the Programme Officer who will ensure that the Inspectors and all other parties are aware of such changes.

EXAMINATION NOTES

- 8.1 The Inspectors may ask for some briefing notes or other information and parties may volunteer them, especially if changes are proposed as a result of pre Examination discussion. This again should be via the Programme Officer. Details of any notes will appear on the website.

THE SESSIONS

- 9.1 The format of the round table policy topic sessions will be that the parties will sit around a U-shaped table with the Inspectors at a table in the open end of the "U". The Inspector will introduce the topic and invite one of the parties (who will have been given notice shortly before the session) to open the debate. Parties will have nameplates and should stand them on end when they wish to speak; they may also be invited by the Inspector. The Inspector will also ask questions. The Inspectors will keep the sessions as informal as possible within this structure. They want a lively debate and not just a repetition of what is in the evidence. Statements will not be read out, as the assumption is that all concerned will have read them in advance.

THE HOUSING SITES

- 10.1 There are seven sites which have been proposed for development in Policies H1 and H5 and which have been the subject of a substantial number of representations. There will be debates about each of these sites. The process for these is that the Inspectors will invite a small number of participants to open the debate, this will normally be those with a close interest in the proposal, or elected representatives from the relevant area. But everyone who has made representations will be invited to attend and to address the Inspectors and make their points. Those who wish to take advantage of this opportunity should inform the Programme Officer not later than Tuesday 26 November so that the Inspectors can assess how much time they need to allocate for the discussion.
- 10.2 For all the other sites which have been put forward in representations the Inspectors will, if requested, hold a short debate during the Examination (though they will have visited and assessed the sites and in many cases may be able to deal with them on the basis of the written material). They will consider each site in turn in accordance with a timetable that the Programme Officer will provide to participants. These will not be round table sessions, but limited to debates for and against each site by those most involved.
- 10.3 The purpose of the Examination is to advise the Minister whether or not in principle any particular parcel of land should be identified for development, not to carry out a full inquiry into each and in effect determine a planning application.

THE OPEN SESSIONS

- 11.1 There are two open sessions, one for States Members and the other is for those others who have made representations but not been invited to the round table sessions. Our intention is that everybody who has commented on the Proposed Revisions should have the opportunity to address the Inspectors. It is not essential for you to do this, as the Inspectors will have read all the written representations and will take them into account. You do not need to submit an additional 500 word statement. But if you do the deadline is 2.00 pm on 13 December. The Inspectors will allow ten minutes for each person to present their case. Representatives of the States will be present and have right to reply, as a matter of natural justice. The Inspectors will make it as informal as possible, so as to make it easy for people. The Inspectors want to hear what everybody has to say.
- 11.2 Everyone who made representations has been informed of this session. You need to let the Programme Officer know by Tuesday 26 November if you want to appear in person, it is very important to do this, so the necessary arrangements can be made. The Inspectors do have the discretion to add other parties to the open session, if there is a good reason.

REPORTING

- 12.1 The Inspectors aim to report to the Minister by about the middle of February 2014.

NOTES FOR PARTICIPANTS AND OBSERVERS

- 13.1 The notes, which are now available and are on the website will assist in expanding on all these matters and you are urged to read them carefully and to follow the advice.
- 13.2 In order to assist the Programme Officer you are asked to carefully follow the guidance in the notes on the format of statements.

QUESTIONS

- 14.1 In response to a point raised by Mr Henkhuzens regarding information held by the Parishes, Mr Shepley explained that the States were responsible for publicising the Proposed Revisions. The Inspectors wanted all the relevant information before them and if Mr Henkhuzen was aware of any information not currently before them he should discuss this with Mr Pilley.
- 14.2 Mr Pilley advised that if the States were made aware of additional, relevant information they would want to provide this to the Inspectors. He added that participants could also supply information available to them in their statements and that some of the Parishes were participating at the Examination.
- 14.3 Mr Shepley pointed out that all the information that had been provided to them was on the Core Documents List. If parties wanted to provide documentation to the Inspectors, reference to the relevant section would be very helpful.
- 14.4 In response to a question from Mr Dun, Mr Shepley confirmed that they would be re-visiting relevant matters. The Inspectors were happy to be told that they had got something wrong last time, especially if the circumstances had changed.
- 14.5 In response to a further point from Mr Dun, Mr Pilley explained that the Minister would upon receipt of the Inspectors' report consider their recommendations in light of the representations received to the Proposed Revisions. This would inform the Minister in making the proposition to the States, which was likely to be in March 2014. There would be a 12 week period, during which Members could lodge proposed amendments, which if endorsed would be the subject of public consultation. There would then be the possibility of a further EiP.
- 14.6 In response to a point raised by Mr Dubras, Mr Pilley confirmed that as soon as the Minister received the Inspectors' report it would be made public and if the Minister proposed changes as a result, these too would be publicly available.
- 14.7 In response to Mr Picot, a resident of Manor Road, Mr Shepley confirmed that they would take account of the possible impact of development on local

residents. The Inspectors wanted to hear the views of the residents, they had visited the site and understood their concerns.

- 14.8 In response to a point raised by Mr Stein, Mr Shepley confirmed that although the future level of annual in-migration was part of the background to consideration of the *Proposed Revisions*, they are instructed that it is not itself open to consideration at the EiP. The Inspectors were not aware that a debate on population figures was to be held.
- 14.9 Mr Pilley had no knowledge of any date for a debate.
- 14.10 In response to a query, Mr Shepley confirmed that those who had made representations on a particular H1/H5 site, but who were not listed as participants, could address the Inspectors at the end of the session. However on policy topics those who had made representations, but who were not listed as participants and wanted to speak should request a slot at the open session on 17 January.
- 14.11 In response to a concern raised by Mr Dubras, the Inspectors asked that consideration was given to making documentation relating to the Examination available in the States Bookshop, or other suitable location.
- 14.12 Mr Shepley thanked everyone for attending the Meeting and looked forward to seeing some of those attending the Meeting at the EiP. The Meeting closed at 9.55 am.