

Planning and Building (Jersey) Law 2002

Planning and Building (Public Inquiries) (Jersey) Order 2008 (as amended)

South-West St. Helier Waterfront Planning Inquiry – Application Reference PP/2021/1969

PRE-INQUIRY MEETING

9.30 – 11.30am Monday 3 April 2023 at St. Paul’s Centre, New Street, St Helier JE2 3RA

NOTES AND ACTIONS

1. Welcome and introductions

The Inspector welcomed attendees present in the room and those attending virtually.

The main participants in the meeting were:

Inspector – Philip Staddon

Programme Officer – Helen Wilson

Jersey Development Company (Applicant) representatives – Mr Lee Henry, Mr John Nicholson, Mr Patrick Conn. There were also representatives from the Applicant’s wider team.

Department for Housing, Infrastructure and the Environment (the Planning Authority) and Government representatives – Ms Wendy Johnston, Mr Chris Jones, Mr Alistair Coates (policy team). There were also representatives from Government services covering solid waste, the natural environment, pollution control, highways, the historic environment, and housing and regeneration.

Others – Mr John Young (former Minister for the Environment).

2. The planning application reference PP/2021/1969

a) **Revised description and amended plans and documents**

The revised description and receipt of amended plans and documents was noted. The Inspector commented that the application comprised a significant number of complex plans and documents. Some interested parties had made comments about the difficulty in understanding the application proposal and reading the documents, some of which are broken into many component parts on the Planning website. The Inspector encouraged the Applicant to think about more accessible ways of presenting the proposals, perhaps drawing on some of the publicity material used to date. The Applicant’s agent also explained that the application documents are all available via the Applicant’s website <https://sthelierwaterfront.je/application> and are presented in a somewhat more accessible form than on the Planning register.

The Inspector explained that it was not unusual for further documents to emerge given that the application remains live and there may be ongoing discussions with consultees. In this regard, it was noted that:

- Errata in certain plans and documents had now been corrected.
- A document titled Hydrogeological Ground Investigation and Assessment (March 2023) produced by Watermans had been submitted.
- There was an emerging statement on density.

Action: IHE/Applicant to ensure any new material is sent to the programme officer as it is received.

3D computer model and physical model

The 3D model of the proposed development is available to view on the Planning website and had been updated to reflect the amended scheme. The model will be available as a resource within the Inquiry room, using a standalone machine rather than relying on a WiFi connection.

A member of the public reported some difficulties with operating the 3D model, although this may relate to internet/WiFi connection rather than the model itself. The standalone machine should avoid any such issues in the Inquiry itself.

The Applicant confirmed that a physical model will also be available at the Inquiry.

Action: Planning Authority to make arrangements for the 3D model facilities to be available at the Inquiry.

Action: Applicant to make arrangements for the display of the physical model at the Inquiry.

b) Consultee responses and any outstanding responses

The Inspector noted the current position with regard to consultee responses and that a number of important consultee responses remained outstanding.

Action: Planning Authority to chase outstanding consultee responses.

Action: Planning Authority to produce a working tabular note recording consultees and response dates and to submit this to the Programme Officer as an Inquiry document. The note should be updated before the Inquiry opens.

c) Confirmation of discharge of all procedural requirements relating to consultation and publicity

Action: Planning Authority to produce a note summarising and confirming that all procedural requirements relating to consultation and publicity have been undertaken. The note will be recorded as an Inquiry document.

d) Interested parties' comments on the application

The Inspector noted the significant number (over 200) of representations lodged by interested parties, many of which concerned the loss of the existing leisure facilities within the site. The Inspector will be considering these representations as part of his assessment. The Inspector also made clear that, as the application remains live, he will continue to monitor and consider any further representations made, but also encouraged all parties to make their submissions as soon as possible.

3. The Inquiry

a) Terms of reference and scope of the Inquiry

The Inspector explained that the terms of reference for the Inquiry have been set by the Minister in his letter of 25 March 2023. The letter is published and can be found on the Inquiry website. In essence, the Inspector is tasked with considering the application under the policies of the Bridging Island Plan and to produce a report summarising the planning issues and containing a recommendation for a decision.

b) The Programme Officer, Helen Wilson – introduction and role

The Inspector explained that Helen Wilson is the first point of contact for everything concerning the Inquiry. She organises all of the documentation and programming and makes sure that everything runs smoothly.

The Inspector requested that participants in the Inquiry do not send him anything directly through his business email or postal address. All submissions should be made via the Programme Officer.

c) Inquiry website

The Inspector explained that the Inquiry now has a dedicated webpage:

<https://www.gov.je/Government/PublicInquiries/Pages/SouthWestStHelierPublicInquiry.aspx>

This is an important information resource for the Inquiry. It includes details of dates of the Inquiry, the Inquiry terms of reference, documents lists, a list of Statements of Case, and the Programme Officer's contact details. Further information will be added as it is submitted and the Programme Officer will endeavour to keep the website updated at all times.

d) Inquiry documentation – core documents list and Inquiry documents list

The Inspector explained that on the Inquiry website there are some important document lists. The Core Documents list includes all of the application documents, plans and the Environmental Impact Assessment, and all documents are hyperlinked for ease of access. There is also an Inquiry Documents list which itemises all of the Statements of Case, consultation responses, comments on the application and, once they are available, Proofs of Evidence. For completeness, there is also a Superseded

Documents list which sets out all of the original plans and documents that have now been replaced by amended versions.

e) Statements of Case received by the 19 March 2023 deadline and anticipated numbers and scope of Proofs of Evidence to be submitted by 16 April 2023

The Inspector advised that 13 Statements of Case had been received by the 19 March deadline. Most (9) are from States bodies – either the Applicant (a States owned company), the planning authority, consultees and regulatory authorities.

The Applicant and Planning Authority have each provided long lists of potential Inquiry witnesses that are producing Proofs of Evidence. The Inspector advised that the number of potential witnesses, up to 17 for the Planning Authority and up to about 30 for the Applicant, along with interested parties who may wish to appear, would be unlikely to fit within the 5 sitting days. However, there is scope to reduce the number and duration of appearances to a more manageable level through identifying areas of uncontested evidence (see next item).

A request was made for a one-week extension to the Proof submission deadline for a Planning Authority consultant witness, covering contaminated land and hydrogeology. Given his need to review a significant recently published application document, his availability issues and the agreement of the Applicant, this extension was agreed by the Inspector.

f) Statement of Common Ground between the Applicant and Planning Authority

The Inspector explained that a Statement of Common Ground (SCG) is a written statement containing factual information about the proposal which the Applicant and the Planning Authority do not dispute. An agreed SCG is very useful to ensure that the evidence considered at the Inquiry sessions focuses on any areas in dispute. SCGs can be comprehensive or topic based.

The Inspector encouraged the Applicant and Planning Authority to engage to produce SCGs and to present these as soon as possible to minimise work and assist with the Inquiry programming.

Action: Planning Authority/Applicant to engage to produce topic based SCGs as soon as possible.

g) Any other anticipated Statements of Common Ground or position statements

Whilst SCGs are generally agreed between the Planning Authority and Applicant, they can include other bodies and individuals. This facility is open to all.

h) Inquiry witnesses, participants and interested parties, including any availability constraints

The Inspector and Programme Officer have noted the long list of witnesses and some individual availability issues. The Inquiry will include the facility for remote

participation. These matters will be accommodated as far as is reasonably possible in the Inquiry programming.

i) Questioning and whether cross examination is necessary/desirable

It was agreed that formal cross examination would not be necessary at the Inquiry and that it would follow the open, inquisitorial style of similar major planning Inquiries held in Jersey in recent years.

j) Inquiry main issues and format of the sessions, including facilities for interested parties, such as an open plenary session

The Inspector noted that the Applicant and Planning Authority have provided lists of topics that their respective witnesses will address in Proofs and at the Inquiry sessions. These cover a wide range of matters including design and scale; master planning; townscape and visual impact; heritage; transport; ground conditions, contamination and hydrogeology; waste arisings (inert and hazardous), management and disposal; coastal defence, flood risk and drainage (foul and surface water); housing; amenity; landscape, green infrastructure and the natural environment; sustainability; and other matters.

The Inspector and Programme Officer will endeavour to produce a first draft programme covering all of these topics, some of which should be reduced in scope through work on SCGs

Action: Inspector/Programme Officer to produce draft Inquiry programme and liaise with main parties.

Room layout, seating, sitting times and resources (including electronic library and projection facilities), 3-D model, virtual participation and live streaming

The Inspector advised that the St Paul's Centre venue had worked well in previous Inquiries. It is an adaptable space and seating/layout can be adjusted to suit the format of different sessions.

There will be facilities to display Inquiry evidence material on the screens. The Inquiry will be live streamed. There will be the facility to allow participants to attend virtually, although this will need to be pre-arranged via the Programme Officer.

k) Planning Obligations Agreement heads of terms

The Inspector explained that Planning Obligations Agreement (POA) heads of terms are always discussed at an Inquiry on a 'without prejudice' basis. It enables the Inspector to report to the Minister on what should be included in a POA, should he be minded to grant planning permission.

Action: Planning Authority/Applicant to engage to produce draft heads of terms and highlight any matters not agreed.

l) Draft list of planning conditions

The Inspector explained that planning conditions are, like the POA, always discussed at an Inquiry on a 'without prejudice' basis.

Action: Planning Authority/Applicant to engage to produce a draft list of planning conditions and highlight any conditions not agreed.

m) Site inspections

The main parties agreed that they were content for the Inspector to make unaccompanied site inspections and did not see a need for an accompanied site visit session.

n) Any other Inquiry procedural matters

None

4. Any other business

The Inspector thanked all attendees for their contributions and looked forward to meeting them at the Inquiry.

A full recording of the Pre-Inquiry Meeting is available to view at:

<https://www.youtube.com/watch?v=cUriHQIUQTI>