

# **JERSEY ISLAND PLAN PROPOSED REVISIONS EXAMINATION IN PUBLIC**

## **GUIDANCE NOTES FOR PARTICIPANTS AND OBSERVERS**

*Pre-Examination Meeting: Thursday 21 November 2013*

*Examination Commences: Tuesday 14 January 2014*

14-17 January all sessions will be held in the St Paul's Centre,  
Dumaresq Street, St Helier JE2 3RL

21-23 January all sessions will be held in the Arthur Mourant  
Room, Société Jersiaise, Pier Road, St Helier JE2 4XW

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## 1. Introduction

- 1.1 Jersey has by law a 'plan led' system to guide future development. The existing Island Plan was adopted by the States in 2011, and the Minister has proposed a number of revisions to that Plan. These revisions have been subject to public consultation which ran from 30 July to 25 September 2013.
- 1.2 The next stage is for the revisions to be subject to an independent examination by Planning Inspectors, who will consider the written comments and also hold public sessions – an Examination in Public (EiP) – before making recommendations. The EiP has been arranged for the weeks commencing Monday 13 and 20 January 2014.
- 1.3 These Notes have been prepared to assist those individuals and organisations who have been selected to participate or wish to attend the open session, or just to observe the Examination in Public.

### *The Examination in Public*

- 1.4 The EiP will provide opportunities for structured discussion and examination of the *Proposed Revisions*, before the independent Inspectors. The Examination is limited to considering the *Proposed Revisions* to the Plan and is not an examination of the whole of the Plan. Most of the EiP will consist of a series of debates on the *Proposed Revisions*. Participants for each of the selected topics will be invited to ensure a mix of viewpoints relating to that topic. Topics will be chosen guided by the public responses made to the Minister for Planning and Environment. In addition there will be sessions considering specific proposed sites, where those who have put forward sites and wish to have the opportunity to address the Examination will be able to do so and there will be an Open Session for individuals to address the Inspectors and elaborate on their written representations, where they have made representations on a topic which they have not been invited to debate at the structured sessions. The sessions will be structured to ensure that all participants can speak, but will not be legalistic or unduly formal. There will also be an Open Session for States Members.
- 1.5 It is anticipated that consideration of many of the individual sites can be dealt with fully on the basis of written representations – see 1.7 below.
- 1.6 This structure will ensure that all those who have expressed a view regarding the Plan should have an opportunity to address the Examination, should they so wish. At the Open Session, individuals will be invited in turn to speak on the matter they have raised, provided that this is relevant to the *Proposed Revisions* in the Plan. There will be no general round table discussion during those sessions, but the Minister for Planning and Environment will be given the opportunity to respond. Requests to speak at the Open Session need to be made to the Programme Officer not later than **Tuesday 26 November**.
- 1.7 The Inspectors will report to the Minister on all the matters which have been raised in representations and which the Minister has asked them to consider, whether or not they have been the subject of debate at the EiP. Written representations received as part of the consultation process will be considered as seriously as oral representations. Whilst the right to be heard is unequivocal, and the Inspectors will hear, either at a scheduled session or at the Open Sessions, from anyone who has made representations and who wishes to appear, parties may be assured that it is not necessary to be present at the EiP for their comments to be taken into account. Short debates will be scheduled regarding the sites which have been proposed for additional inclusion in the Plan (in the second week of the EiP) only where the proposers of the sites have asked for them. The Inspectors will take into

account written representations received, but are conscious that in some cases there may be others who might be affected and who have not made representations. Where comments refer to individual sites, the Inspectors will take care to visit and appraise all the sites concerned and to report on them, whether they have been debated in public or not.

- 1.8 The future level of annual in-migration to the Island has already been set by the States. This figure is part of the background to consideration of the *Proposed Revisions*, but the Inspectors are instructed that it is not itself open to consideration at the EiP. Submissions arguing for a different level of in-migration will not be considered by the Inspectors.

## **2. Inspectors and Programme Officer**

### *Inspectors*

- 2.1 The States of Jersey have appointed Chris Shepley CBE BA DipTP MRTPI as the Inspector and Alan Langton DipTP CEng MRTPI MICE MCIHT as the Assistant Inspector. Both Inspectors are independent of all Participants at the Examination. They will divide matters between them, taking account of their respective areas of expertise. The Minister for Planning and Environment has determined to invite Mr Shepley and Mr Langton, who conducted the Examination into the current Island Plan in 2010, also to consider these *Proposed Revisions*. The Inspectors will consider these matters afresh. Participants should not be inhibited from presenting views that might appear contrary to the Inspectors' previous findings, as circumstances might have changed since and in any event the purpose of the current examination is to provide an opportunity to review all the Minister's *Proposed Revisions* to the Plan.

### *Programme Officer*

- 2.2 The Programme Officer is Mrs Helen Wilson BA (Hons). Helen is responsible for the administrative arrangements up to and during the Examination. Her duties include drafting the Examination programme, maintaining the Library and ensuring that documents are distributed as necessary. Any queries regarding the programme, as well as all other general queries should be directed to the Programme Officer. In order to maintain their impartiality, the Inspectors will have no direct contact with any of the Participants or with the Minister or his representatives outside of the Examination sessions, unless specifically arranged and publicised (eg during accompanied site visits).
- 2.3 The Programme Officer has been appointed for the duration of the Examination process and is independent of all Participants involved; she works under the direction of the Inspectors.
- 2.4 Contact details for the Programme Officer are provided at Appendix A.

## **3. Pre-Examination Meeting**

### *Pre-Examination Meeting*

- 3.1 A Pre-Examination Meeting will be held at 9.15 am on Thursday 21 November at St Paul's Centre, Dumaresq Street, St Helier JE2 3RL.
- 3.2 The purpose of the Pre-Examination Meeting is to set out the procedures for the Examination; there will be no discussion on the merits of the Plan. A Draft List of Topics and Participants is being issued on Wednesday 13 November and will be open for comment until

2.00 pm on Wednesday 20 November. Following the Pre-Examination Meeting the Inspectors will publish a revised List of Topics and Participants. These Draft Notes are also open for comment from Wednesday 13 November until 2.00 pm on Wednesday 20 November. Comments can be emailed to [progofficer@aol.com](mailto:progofficer@aol.com) or posted to Helen Wilson, C/O Planning and Building Services, Department of the Environment, South Hill, St Helier, Jersey, JE2 4US.

- 3.3 A note of the Pre-Examination Meeting will be published, and a copy will be posted on the Examination webpage (see paragraph 5.6); copies can also be obtained from the Programme Officer.

Summary of the relevant key dates is set out below.

<b>Milestone/activity</b>	<b>Date</b>
Minister publishes consultation response	11/11/13
<i>Inspectors consider consultation and Minister's response, and prepare draft list of topics, persons and dates for EiP</i>	
Inspectors publish draft lists	13/11/13
<i>Consultation period ends on draft lists (1 week)</i>	20/11/13
Programme meeting	<b>21/11/13</b>
Publish Revised EiP timetable*	27/11/13
Invitation for further representations	27/11/13
Deadline for further representations (must be 14 days before EiP)	13/12/13
Publish further representations (must be no later than 7 days after above)	Before 20/12/13
EiP Commences	<b>14/01/14</b>
Inspectors submit report	Mid February 2014
<i>Minister considers report and potential amendments</i>	
Minister lodges revised draft Island Plan	11/03/14
States members amendments (6 weeks)	22/04/14
Consultation on States members amendments and potential second EiP (6 weeks)	Late May for EiP2 (?)
States debate	03/06/14
* It is possible that the revised list may have to be amended following the receipt of further representations. If this were to occur it would happen during the week commencing 16 December. It is unlikely that this would alter the programme substantially, but participants should check the website and the Programme Officer will inform anyone who is affected by any alterations.	

## 4. Documentation

### *Examination Library*

4.1 During the Examination the Programme Officer will maintain an Examination Library, which will include:

- Copies of all representations submitted on the *Proposed Revisions* to the Plan;
- Comments on the Draft List of Topics and Participants;
- Any briefing or other information requested by the Inspectors;
- Copies of all Written Submissions on the Topics to be discussed;
- Documents other than those listed above and referred to in Written Submissions.

### *Core Documents*

4.2 Core Documents include:

- *The Proposed Revisions*, any relevant statements of States policy, good practice guides, consultation papers, circulars, and advice notes;
- Any other supporting documentation considered necessary or desirable by the Inspectors.

4.3 Core Documents can be referred to in Written Submissions without the need to provide further copies or extracts.

### *Documents (other than Core Documents) Referred to in Written Submissions*

4.4 Participants preparing Written Submissions should check whether any documents that they intend to refer to in their submissions, or at the Examination, are included in the list of Core Documents. Participants should not submit copies or extracts from Core Documents, since these will already be available to the Inspectors. If the document does not appear in the list, they should contact the Programme Officer to arrange for it to be included in the library. Four copies of each such document will need to be submitted with the Written Submissions and in accordance with the timetable for the making of those Submissions as set out below in paragraph 4.7.

### *Written Submissions*

4.5 Participants invited to attend one of the round table sessions to discuss the *Proposed Revisions* may wish to prepare a Written Statement. These **must not exceed the word limits set in the revised list of topics** for each question (or group of questions) to be discussed at the Examination. Such submissions must be specifically directed to the relevant Topic referred to in the Revised List of Topics and Participants. It will be helpful if parties can, so far as possible, be **explicit** as to what they wish the Examination to conclude, eg that a particular *Proposed Revision* should be supported or should be deleted or should be amended in a specified way. Participants are reminded that there is no need to prepare a Written Statement if all the points are already covered in their original representations to the *Proposed Revisions* to the Plan. Participants who do not wish to submit a Written Statement should notify the Programme Officer, so that their original representations may be circulated to represent their views.

4.6 Participants invited to attend a session considering a specific site allocation, may find it sufficient to rely on their response to the *Proposed Revisions* to the Plan sent to the Minister for Planning and Environment during the consultation period. Should they prefer to

submit a further Written Statement, this **must not exceed 500 words** for any individual site. Individuals attending an Open Session may similarly find it sufficient to rely on their response to the *Proposed Revisions* to the Plan sent to the States during the consultation period. Should they prefer to submit a further Written Statement this **must not exceed 500 words**.

- 4.7 **The deadline for the delivery of all Written Statements to the Programme Officer is 2.00 pm on Friday 13 December. This deadline must be strictly adhered to – in fairness to the Inspectors and, particularly, to other parties, late submissions and additional papers submitted on the day of the relevant session will not be accepted.** The submissions will be circulated en bloc after the closing time, to the Inspectors and other parties, and published on the website. If parties are posting their statements, these should be addressed to Helen Wilson, C/O Department of the Environment, Planning and Building Services, South Hill, St Helier, Jersey, JE2 4US to arrive no later than **2.00 pm on Friday 13 December**.
- 4.8 **Other than for the Open Session**, when preparing Written Statements, parties should note the following
- The Final List of Topics and Participants is unlikely to amend the version now being issued to any significant extent, and Participants should not delay drafting any statement they propose to submit.
  - Statements should relate to the Revised List of Topics and Participants to be published and circulated by the Programme Officer on Wednesday 27 November.
  - Submissions should be on A4 size paper, paginated, double hole-punched in the left hand margin and stapled or treasury-tagged in the top left hand corner. **Spiral Bindings, folders or stiff covers must not be used.**
  - Appendices should be flagged and indexed, and should **only** include A4 tables and plans which are essential to support the text, and should not include any other supporting information. Any other documents (such as background papers, etc.) should be given to the Programme Officer for inclusion in the Core Documents library.
  - **6 copies** of each submission are to be sent to the Programme Officer. These will be circulated to the Inspectors and to every other Participant invited to discuss that particular Topic.
  - In addition to the 6 copies referred to above, electronic copies should, where possible, also be emailed to [progofficer@aol.com](mailto:progofficer@aol.com) in order to hasten the process of forwarding documents to Participants. **However, it should be borne in mind that the hard copies must be with the Programme Officer by no later than 2.00 pm on Friday 13 December.** Electronic copies should be received by the same deadline and will be treated as final (as will paper copies) – subsequent updates or amendments cannot be accepted.
  - All documents submitted for the consideration of the Inspectors will be treated as public information, so submissions marked copyright or confidential cannot be accepted.
- 4.9 Submissions should be as succinct as possible. Submissions exceeding the word limits set out above will be returned. There is no need or requirement to use the full allocation of words if this is not necessary; nor is it necessary to cover all the issues or questions set out in the relevant Topic. Parties may wish to refer to other documents; **in doing so they should be as precise as possible, mentioning relevant page or paragraph numbers.**
- 4.10 Submissions will be circulated to all other Participants involved in the same Topic in advance of the Examination. In the interests of fairness and the efficiency of the

Examination, the Inspectors will expect Participants to have read all the documents relevant to a particular session. Late submissions are therefore not acceptable.

- 4.11 Submissions should be in plain English and should avoid so far as possible the use of technical language or jargon. This is for the benefit of members of the public and of parties who may not be professionally represented. The Inspectors will also benefit from submissions being succinct and as straightforward as possible.
- 4.12 Anyone attending the **Open Session** can either rely on their original representations or prepare a short written statement (not exceeding 500 words) and provide 4 copies to the Programme Officer by no later than **2.00 pm on Friday 13 December**, please see paragraph 4.7 above for details of where the written statements should be sent.

## 5. Arrangements for the Examination

### *Programme*

- 5.1 The Examination will start on Tuesday 14 January opening at 10.00 am, and is set to run for 7 sitting days. On other days there may be earlier starting times and parties should pay careful attention to the published timetable.
- 5.2 The Inspectors will make every effort to keep to the programme; however, last minute changes may be unavoidable. Priority will be given to starting each Topic at the appointed time. It may be necessary to extend the afternoon session in order to complete a debate. There will normally be short breaks during the morning and afternoon sessions; the length and timing of breaks will be flexible depending on the progress of the debate. Participants will be informed by the Programme Officer of any changes to the programme; it remains, however the ultimate responsibility of Participants to ensure that they keep themselves up to date.

### *Venue*

- 5.3 The venue for the Examination 14-17 January will be St Paul's Centre, Dumaresq Street, St Helier JE2 3RL. The venue for the 21-23 January sessions will be Société Jersiaise, Pier Road, St Helier JE2 4XW.

### *Examination Office*

- 5.4 During the Examination the Programme Officer will have a room at the venue, which will hold the Examination library. Limited photocopying facilities will be available.

### *Access*

- 5.5 The venue will have access for people with limited mobility. If any special assistance or particular facilities are required at the Examination, Participants should contact the Programme Officer in advance, to enable appropriate arrangements to be made.

### *Website*

- 5.6 The Programme Officer has set up an Examination website, this will include information on the Examination venue, the latest programme and the up to date Core Document list. The site is accessed via the States website at - [www.gov.je/IslandPlanInterimReview1](http://www.gov.je/IslandPlanInterimReview1) however this site is independent of the States and under the control of the Programme Officer.

### *Refreshments*

- 5.7 Refreshments will be available.

### *Communications*

- 5.8 All mobile phones etc must be switched off while the Examination is in session. The Inspectors will request a donation of £10 to a local charity should any mobile phone interrupt the proceedings. In case of emergency the Programme Officer will be available to take calls on behalf of Participants.

### *Attendance*

- 5.9 Participants are expected to attend all sessions concerning the Topic(s) for which they have been invited. On arrival at the Examination venue, Participants are asked to sign the attendance register. Organisations may substitute a named individual with another named person at any stage before the EiP, and should notify the Programme Officer if they intend to do so. Where an organisation has been invited to participate and is bringing a team of speakers and advisors, all members of the team should register.
- 5.10 Where Participants are unable to attend a session to which they have been invited, they are asked to notify the Programme Officer as soon as possible beforehand.

### *Seating*

- 5.11 Each organisation or individual participating in a particular session will have one speaking point at the table. This will be occupied by one spokesperson at a time. Participants may change the spokesperson occupying the speaking point as appropriate to the Topic under discussion. There will be one seat available behind the spokesperson for use by an assistant or colleague.
- 5.12 Participants will sit at tables arranged in a U-shape. The Inspectors will occupy a table situated at the open end of the U-shape. A seating plan will be prepared for each session and individual places will be identified by nameplates.

### *Recording*

- 5.13 All proceedings will be recorded. Other than the official recordings, no video, sound recording or photography is permitted during the Examination.

### *Public*

- 5.14 All sessions will be open to the public to observe. Participants may attend, as observers, any session to which they have not been invited, but they will not be able to take part in the discussion.

### *Site Visits*

- 5.15 The Inspectors will be carrying out unaccompanied site visits prior to the Pre Examination Meeting and intend to carry out further visits before the sites are discussed at the Examination.

## 6. Conduct of the Examination

### *Procedure*

- 6.1 The Examination will take the form of a discussion led by one of the Inspectors and based on the selected Topics. The Inspectors will introduce each Topic, highlighting the issues that need to be explored. The Inspectors will expect Participants to have read the documents relevant to a particular session. The reading out of prepared statements, or the formal presentation of evidence already submitted will not normally be appropriate.
- 6.2 Where appropriate, shortly before each session, the Inspectors will make available (through the Programme Officer) a short note amplifying the questions set out under each Topic for discussion and illustrating how the Inspectors intend to structure the discussion. The Inspectors will ask one participant to open the debate, and that person will be given notice of that intention shortly before the session. Discussion will then proceed with all Participants able to contribute or respond, as they indicate their wish to do so. Participants wishing to speak should signal their desire to the Inspectors by standing their nameplate on end. The Minister for Planning and Environment will be represented at all sessions and will be given the opportunity to respond to points made.
- 6.3 The sessions dealing with site specific issues will be informal and will normally involve small numbers of invited Participants. However all those who have made representations on the sites set out in Policies H1 and H5 and on those other sites which the Minister has asked the Inspectors to consider (as set out in the Minister's Response to Consultation) will be able to attend and speak; those who wish to do so should advise the Programme Officer not later than **Tuesday 26 November**. The Inspectors will, however, have read all the representations and would ask that where substantial numbers of people wish essentially to make similar points they might try to appoint spokespersons to speak on behalf of the group. 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.
- 6.4 For the record of the proceedings to be intelligible, Participants will be asked to introduce themselves every time they speak, unless the Inspectors have called upon them by name.
- 6.5 The Inspectors will adopt an inquisitorial approach, exploring issues by questioning Participants. There may be no need for every Participant to speak during a discussion. For example there will be no need to take time repeating or agreeing with matters that have already been covered by others, or in the written material already deposited. Contributions to the debates should be kept brief and be relevant to the Topic under discussion. In order to facilitate a meaningful discussion the Inspectors will curtail any contributions that are excessively long, or go into irrelevant matters or inappropriate detail. The Inspectors wish to avoid imposing a time limit for individual contributions, but may have to do so if this proves necessary.
- 6.6 The informal nature of the sessions means that it will not be necessary for Participants to have legal representation. There will be no formal cross-examination of Participants. Any questions concerning statements made by other Participants should be raised through the Inspectors.
- 6.7 It will not be possible or appropriate to accommodate videos, slides and overhead projectors. Participants will not be permitted to circulate additional material at the Examination, unless this results from a request by the Inspectors at a previous session. Such material should be given to the Programme Officer.

## **7. The Open Session**

- 7.1 Separately from the round table sessions and the site specific discussions, anyone who has made representation on the Plan, but not previously been invited to contribute on a particular topic will be invited to an Open Session and be able to address the Inspectors. Parties wishing to take part in this session should notify the Programme Officer by **Tuesday 26 November**.
- 7.2 The session will be as informal as possible. Each person will be invited to address the Examination in turn, for a period of up to ten minutes. The Inspectors may ask questions, and the Minister for Planning and Environment will be invited to respond to the points made.
- 7.3 The session for States Members will be conducted in the same way.

## **8. After the Examination**

- 8.1 The Inspectors will produce a report with recommendations to the Minister. Their aim is to produce this report by Mid-February 2014.

## **Appendix A**

### *How to contact the Programme Officer*

The Programme Officer may be contacted prior to the Examination as follows:

Helen Wilson  
32 Pennyford Close  
Brockhill  
Redditch  
B97 6TW

Telephone: 01527 65741

Mobile: 07879 443035

Website: [www.gov.je/IslandPlanInterimReview1](http://www.gov.je/IslandPlanInterimReview1)

E-mail: [progofficer@aol.com](mailto:progofficer@aol.com)