

THE DRAFT JERSEY ISLAND PLAN EXAMINATION IN PUBLIC

REVISED GUIDANCE NOTES FOR PARTICIPANTS AND OBSERVERS

Pre-Examination Meeting: HELD ON 27 May 2010

Second Pre-Examination Meeting: 22 June 2010

Examination Commences: 21 September 2010

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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 2002 and now needs to be replaced by an up to date Plan for the period 2010 to 2020. Following studies the States published a Strategic Options Green Paper in 2008 for public consultation, followed by a new Draft Island Plan published in September 2009 for public consultation. The period allowed for comments on the Draft Plan closed at the end of March 2010.
- 1.2 The next stage is for the Draft 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 regarding the Draft Plan. In view of the large number of representations which were received, the EiP which was to have been held in July, has been re-arranged and will now begin on 21 September. This delay will give the participants, the States and the Inspectors adequate time to prepare.
- 1.3 These Notes have been prepared to assist those individuals and organisations who have been selected to participate in, or who wish to observe, the Examination in Public.

The Examination in Public

- 1.4 The EiP will provide opportunities for structured discussion and examination of the Draft Plan, before the independent Inspectors. The Examination is not a review of every aspect of the Plan. It will however ensure that there is public discussion of those major issues of concern. The first part of the EiP will consist of a series of debates on the policies in the Draft Plan. 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 States. Following the sessions discussing Draft Policies there will be sessions considering specific proposed sites, and there will then be one or more Open Sessions for individuals to raise issues that might not otherwise have been selected for discussion. The sessions will be structured to ensure that all participants can speak, but will not be legalistic or unduly formal.
- 1.5 The session(s) considering specific sites will necessarily be more focussed than those considering the wider Draft Policies, and limited to hearing the points for and against the sites being considered. This will not be the time for consideration of general housing or other policies, which will be considered in the broader policy discussions. It is anticipated that many of the individual sites cases 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(s), individuals will be invited in turn to speak on the matter they have raised, provided that this is relevant to the Plan. There will be no general round table discussion during those sessions, but the States will be given the opportunity to respond. Requests to speak at an Open Session need to be made to the Programme Officer not later than Monday 19 July.
- 1.7 The Inspectors will report to the Minister on all the matters which have been raised in representations, 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 evidence 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. In particular, where comments refer to individual sites, the

Inspectors will take care to 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 Draft Plan, 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.

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 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, Housing Seminar and Scrutiny Panel Meeting

Pre-Examination Meeting

- 3.1 A Pre-Examination Meeting was held on Thursday 27 May in the Members' Room, Societe Jersiaise.
- 3.2 The purpose of the Pre-Examination Meeting was to set out the procedures for the Examination; there was no discussion on the merits of the Plan. A Draft List of Topics and Participants was issued shortly before the Meeting and was open to comment until Monday 7 June. The Inspectors have considered these comments and have published a revised List of Topics and Participants. The revised list will be the subject of discussion at the Second Pre-Examination Meeting (see paragraph 4.1). The decision whether to make any amendments prior to the issue of the Final List is one for the Inspectors alone.
- 3.3 A note of the first Pre-Examination Meeting has been published, and a copy has been posted on the Examination webpage (see paragraph 7.6); copies can also be obtained from the Programme Officer.

Housing Seminar

- 3.4 Following the Pre Meeting, a Housing Seminar was held. The purpose of the Seminar was for the Inspectors and Participants to obtain factual information regarding housing issues. As with the Pre Meeting, there were no discussions regarding the merits of housing policy.

Environment Scrutiny Panel

- 3.5 At the request of the States' Environment Scrutiny Panel the Inspectors met the Panel on Thursday 27 May. The purpose of the meeting was for the Inspectors to explain to the Panel their role and how the EiP will be conducted. There was no discussion on the merits of the Plan.

4. Second Pre-Examination Meeting

- 4.1 **A Second Pre-Examination Meeting will be held on Tuesday 22 June at 9.30 am in the Arthur Maurant Room, Societe Jersiaise, Pier Road, St Helier JE2 4XW.**

- 4.2 The purpose of the Meeting is to discuss the revised draft list of Topics and Participants and the revised timetable leading up to and including the EiP.

- 4.3 Following the Meeting parties will be given a further 7 days to make any final comments on the list of Topics and Participants – that is until **Tuesday 29 June**. The Inspectors, taking account of the meeting and these comments, will issue a final list on **Friday 2 July** and will then commence a second (limited) round of consultation.

5. The Second Round of Consultation

- 5.1 The primary purpose of the second round of consultation is to allow any person (whether they have made representations previously or not) to comment on the changes which the Minister proposes to make to the draft plan following the first round of consultation. These were initially published on Friday 28 May 2010 and are to be supplemented by a further report to be released on 22 June. Such representations should be sent to the Programme Officer to arrive by **Monday 19 July**. They should be limited to 500 words with respect to any particular proposed change, and should relate directly to the proposed changes (and should indicate clearly which changes are the subject of the representation). It will be helpful if the representations are **explicit** as to any changes which parties wish to see following the Minister's proposed changes. All those who make such representations will have the right to appear at the EiP, normally in the Open Session on Friday 1 October or (where it relates to a particular site) in the site specific sessions on Tuesday 5 or Wednesday 6 October. The Inspectors may exceptionally invite those who make representations relating to a policy issue to take part in one of the round table debates (a "thematic session") with respect to that policy.

- 5.2 The Inspectors will also invite any party, whether they have previously made representations or not, to submit further comments, strictly limited to addressing the questions which are set out in the list of topics issued on Friday 2 July. It will be helpful if the representations are **explicit** as to any changes which parties wish to see made to the draft plan. Such comments should be limited to 500 words and should be sent to the Programme Officer to reach her by **Monday 19 July**. In general these will be treated as written representations, though those making such comments will be entitled to appear if they so wish in the Open Session.

- 5.3 Participants invited to appear at the EiP (who are on the list of topics and participants issued on 2 July) should not at that stage make any representations on the topic(s) for

which they have been invited to attend and debate, but follow the guidance from paragraph 6.5 below.

- 5.4 The Inspectors will consider whether or not any further changes are needed to the list of topics and participants in the light of the second round of consultation. They will issue a final definitive list on **Thursday 29 July**.
- 5.5 In order to make their case effectively 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.

A summary of the relevant key dates is set out below.

DATE	ACTION
22 June	Second Pre-Examination Meeting (see 4.1)
29 June	Deadline for comments on revised list of topics and participants (see 4.3)
2 July	Final list of Topics and Participants published (see 4.3) subject only to review in accordance with paragraph 5.4
19 July	Deadline for informing the Programme Officer if you wish to attend the Open Sessions (see 1.6)
19 July	Deadline for submitting comments on the Minister's proposed changes to the Plan (see 5.1)
19 July	Deadline for submitting comments addressing the questions in the Final list of Topics and Participants (Excluding Invited PARTICIPANTS) (see 5.2)
29 July	Definitive Final List of Topics and Participants published (see 5.4)
1 September	Deadline for the submission of statements for the EiP (invited participants only) (see 6.7)
21 September	EiP commences (see 7.1)

6. Documentation

Examination Library

- 6.1 During the Examination the Programme Officer will maintain an Examination Library, which will include:
- Copies of all representations submitted on 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

- 6.2 Core Documents include:
- The Draft Plan, 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.

- 6.3 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

- 6.4 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

- 6.5 Participants invited to attend one of the round table sessions to discuss Draft Policies may wish to prepare a Written Statement. These **must not exceed 1,500 words (or such other limit as may be set in the final list of topics)** for each Topic to be discussed at the Examination. Such submission must be specifically directed to the relevant Topic referred to in the Final 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 Draft Policy 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 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.
- 6.6 Participants invited to attend a session considering a specific site allocation may find it sufficient to rely on their response to the Draft Plan sent to the States 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 Draft Plan sent to the States during the consultation period. Should they prefer to submit a further Written Statement this **must not exceed 500 words**.
- 6.7 **The deadline for the delivery of all Written Statements to the Programme Officer is no later than 11.00 am on Wednesday 1 September 2010. The Programme Officer will be available at the Planning Department offices on 1 September to receive statements. This deadline must be strictly adhered to – 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 Planning and Environment Department, Planning and Building Services, South Hill, St Helier, Jersey, JE2 4US to arrive no later than 11.00 am on **Wednesday 1 September**.
- 6.8 **Other than for the Open Sessions**, when preparing Written Statements, parties should note the following:
- Statements should relate to the Final Definitive List of Topics and Participants to be published and circulated by the Programme Officer on **Friday 29 July**.
 - Participants should make a separate submission for each subject (there may be more than one requested for some topics); these will be clearly marked in the Final List of Topics and a word limit will be stated, normally of 1500 words but this may vary.

- 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 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 11.00 am on Wednesday 1 September.** 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.

6.9 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.

6.10 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.

6.11 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.

6.12 Anyone attending an **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 **11.00 am on Wednesday 1 September**, please see paragraph 6.7 above for details of where the written statements should be sent.

7. Arrangements for the Examination

Programme

7.1 The Examination will start on **Tuesday 21 September 2010** opening at 10.00 am, and is set to run for up to 3 weeks. The order of business will follow the Final Definitive List of Topics and Participants issued on Thursday 29 July. On other days there may be earlier starting times and parties should pay careful attention to the published timetable.

7.2 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

- 7.3 The venue for the Examination is yet to be confirmed.

Examination Office

- 7.4 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

- 7.5 The venue will have access for disabled persons. 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

- 7.6 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 - <http://www.gov.je/Government/PublicInquiries/IPR/Pages/index.aspx> however this site is independent of the States and under the control of the Programme Officer.

Refreshments

- 7.7 Refreshments will be available.

Communications

- 7.8 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

- 7.9 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. Where an organisation has been invited to participate and is bringing a team of speakers and advisors, all members of the team should register.
- 7.10 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

- 7.11 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.

- 7.12 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

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

Public

- 7.14 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

- 7.15 The Inspectors have already carried out some unaccompanied site visits and intend to carry out further visits before the Examination begins.

8. Conduct of the Examination

Procedure

- 8.1 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.
- 8.2 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 States will be represented at all sessions and will be given the opportunity to respond to points made.
- 8.3 The sessions dealing with site specific issues will be informal and will normally involve small numbers of Participants (there may be exceptions). They will be invited to elaborate on their representations and the States will be invited to respond.
- 8.4 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.
- 8.5 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.

8.6 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.

8.7 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.

9. The Open Session

9.1 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 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 **Monday 19 July**.

9.2 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 States will be invited to respond to the points made.

10. After the Examination

10.1 The Inspectors will produce a report with recommendations to the Minister. Their aim is to produce this report by the first week in November

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/Fax: 01527 65741

Mobile: 07879 443035

Website: <http://www.gov.je/Government/PublicInquiries/IPR/Pages/index.aspx>

E-mail: progofficer@aol.com

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