

DRAFT ISLAND PLAN EXAMINATION IN PUBLIC
NOTES OF THE SECOND PRE-EXAMINATION MEETING

Held on Tuesday 22 June 2010
Société Jersiaise

INTRODUCTION

- 1.1 The Meeting which was purely procedural discussed the revised timetable leading up to and including the Examination in Public (EiP), the revised draft list of Topics and Participants and to explain the arrangements for second round representations. There were no discussions for or against any aspect of the Plan; that is for the Examination itself.
- 1.2 Most of those attending were present at the first Meeting, held on 27 May, and time was not taken repeating what was outlined then; save to confirm that Chris Shepley is the lead Inspector appointed by the States to examine the Draft Island Plan, Alan Langton, is the Assistant Inspector and Helen Wilson is the Programme Officer.
- 1.3 A note of the first Meeting had been circulated. Notes for Guidance, regarding the process had been circulated, however these are superseded by a revised version dated 10 June and the earlier version should be discarded. A revised draft list of Topics and Participants had also been issued, dated 10 June and earlier versions should be discarded.
- 1.4 Further copies of these various documents can be provided by Mrs Wilson on reasonable request and are also free to download from the Examination website:
<http://www.gov.je/Government/PublicInquiries/IPR/Pages/index.aspx>

Reasons for the Changed Programme

- 2.1 At the first Meeting several people queried whether the timetable leading up to the Examination allowed sufficient time, and whether sufficient opportunity was being given for comment, particularly with regard to the Minister's proposed changes to the Draft Plan. There was a very high level of interest and comment on the Draft Plan by organisations and members of the public, which in most regards was desirable as it showed a wide level of interest and involvement in a key document that would steer development on the Island for the next 10 years or so. However, it also meant that it took longer than initially

expected for the States to analyse and consider the comments. This in turn delayed consideration of those comments by the Minister and publication of his responses, not least including which aspects of the Draft Plan he is minded to amend as a consequence. The proposed changes were published on 28 May and were to be supplemented by a further report to be released on the day of the Meeting (ie 22 June).

- 2.2 The States reflected on the position, as did the Inspectors, and the conclusion reached that concerns raised about the timetable were justified. It is hoped that the revised timetable is more manageable, and that the changes to the timetable are worthwhile, if they lead to a better adopted Island Plan.

New Timetable

- 3.1 The opening date for the Examination in Public has been postponed from 5 July to 21 September to be held at the Societe. Although the EiP could have been arranged earlier than this, it would clearly have been unwise to hold the EiP during the holiday period in August. In view of the level of interest, not least with respect to individual sites, the duration of the EiP has been increased from 2 weeks to just short of 3 weeks.

- 3.2 The key dates, all of which are set out in the revised Guidance Notes are now as follows:

The Revised Draft Topics and Participants were issued on 10 June. This takes into account comments received on the first Draft, for which the Inspectors are grateful, and it reflects the longer duration for the Examination and the additional sites to be considered.

- 3.3 There was an error introduced into the revised Draft, which has now been corrected. Within the Natural Resources & Utilities and Waste Management sessions the order in which the questions are to be debated was revised, purely for practical timetabling reasons, shortly before the document was issued. Unfortunately the groups of participants remained listed in their previous sequence, so the wrong groups of people were shown against the questions. An addendum has been prepared and sent to those most directly concerned and the website version has been corrected.
- 3.4 Subject to this, the Revised Draft of Topics and Participants were now open for comment until 29 June. It was stressed that comments should only be made on the choice of topics and participants: did the suggested topics fairly identify the key matters for debate; were there any suggestions regarding the invited participants? Specific suggestions were preferable to generalities. In any event the Inspectors would be fully considering all the written submissions, and

the Minister's written responses. The fact that something was not chosen for oral debate did not in any sense mean that it was unimportant. Also it was stressed, that the aim in the policy debates had been to invite people with a range of perspectives while keeping numbers at about 12 to allow for responsive, lively discussions. The Inspectors were also anxious to hear from individual member of the public, who had raised pertinent points in their representations on the Draft Plan.

- 3.5 Therefore the Inspectors were generally restricting representation by any organisation or States Department to just one individual for any particular topic question. This did not preclude a participant being assisted by someone sitting behind them. However, experience showed that too many people actively participating 'at the table' at any one time leads both to set speeches and to some individuals being sidelined by more forceful participants. If respondents were not currently invited to a session, but felt that they should be, they should say why they considered the existing mix of participants would not illuminate that topic. Everyone had a right, of course, to attend the Open Session to speak on any relevant matter of their own choosing.
- 3.6 The Inspectors would consider all the comments received on the Revised Draft list of Topics and Participants and would then issue what would be close to the Final version on 2 July.

Second Round Consultation

- 4.1 To ensure maximum opportunity for involvement, there would be one further and concluding opportunity for new representations in advance of the Examination: this had been referred to as the Second Round of Consultation.
- 4.2 However this is to be limited in two ways. Firstly anyone, whether or not they had previously made representations, may comment on the changes which the Minister proposed to make to the Draft Plan following the first round of consultation. Secondly, anyone who had not been invited to participate in the oral debate on a particular topic question may make written representations regarding that topic: in essence to set out their thoughts in writing rather than orally. Here the scope was not to comment on the choice of topics and participants, but on the substance of one or more question listed for debate. Anyone invited to attend a topic debate, and intending to do so, should not at this stage make written representations on that topic (this opportunity is directed to people who have not been invited to debate the topic orally).
- 4.3 The deadline for either type of second round representations - comments on the Ministers' proposed changes, or on a topic question

from those not invited to attend that session is 19 July, and is limited to 500 words per topic. Again specific suggestions as to how the Plan may be amended would be particularly welcome.

- 4.4 The 19 July is also the deadline for notifying the Programme Officer if respondents wish to attend the Open Session.

Definitive Topics and Participants List

- 5.1 The Inspectors might make further detailed amendments to the Topics and Participants in the light of the Second Round Representations, although they would expect these to be limited. A Final and Definitive List of Topics and Participants will be issued on 29 July, and this will form the basis for the EiP sessions.
- 5.2 Once the Final and Definitive list has been issued, and based on it, invited participants should submit any written statement on the topic or topics to which they have been invited. These need to be with the Programme Officer not later than 11.00 am on Wednesday 1 September. Mrs Wilson will be on the Island to accept statements and arrange cross copying to other participants for each session. This is to address concerns regarding postal delays that were raised at the previous Meeting. Helen will be in the Pablo Suite, Planning and Environment, South Hill, St Helier from 10.00 am. Anyone wishing to post their statements are asked to post them to Helen Wilson, c/o Planning and Environment, South Hill to arrive no later than 11.00 am on 1 September. Any statements submitted before the 1 September would be most welcome. Electronic copies of statements (in addition to hard copies, and to be received by 1 September) would be extremely helpful and should be sent to progofficer@aol.com
- 5.3 Finally the EiP itself will open on Tuesday 21 September. The session dates will be defined by the List to be issued on 29 July, but will as far as possible follow the format already issued.
- 5.4 The Inspectors and Programme Officer will not be working full time on the Examination process between now and September – especially during August. The Inspectors are conscious that the extended timetable could mean considerable extra costs for the States. So there may not always be an immediate responses to queries – although the Inspectors will be monitoring progress and particularly at the key points (eg at the end of consultation periods) they will be available. The Inspectors do however have a lot of reading to do and they will be continuing this during the summer.

Summary

6.1 In case it is not clear the actions which parties may wish to take are as follows -

If you have been invited to participate and are on the Revised List of Topics and Participants -

- You may have further comments on the Topics and Participants – (though probably not) any comments need to be with Helen Wilson by 29 June;
- If you would prefer not to participate, or are unable to do so, please let Mrs Wilson know this too by 29 June, as it may well enable someone else to be included;
- You may want to comment on the Minister’s proposed changes – in which case you should submit an up to 500 word statement by 19 July;
- You will probably want to prepare a statement for the EiP summarising your views on the Draft Plan and (if relevant) the Minister’s proposed changes by 1 September.

If you have not been invited

- You may wish to comment on the list of Topics and Participants, and may be asked to be added or to appear at the Open Session by 29 June;
- You may wish to comment on the Minister’s proposed changes by 19 July;
- And you may wish to send written comments on the topics and questions which the Inspectors have selected for debate, also by 19 July.

Notes for participants and observers

7.1 The key dates, and other important information is set out in the Revised Notes for Guidance, which has been circulated and which are available on the Examination website. This also covers a few other points which were made at the first PEM but were not repeated at this Meeting. The Revised Guidance Notes will assist in expanding on all these matters and parties are urged to read them carefully and to follow the advice. It is necessary in these cases to have clear rules and guidelines in order to ensure fairness to all parties. Fairness, openness

and transparency are the key principles which the Inspectors will try to follow in organising this Examination and they hope that the outcomes, whilst they can never satisfy everybody – will nonetheless assist the Minister in making key decisions on the future of the Island over the next 10 years.

Questions

- 8.1 In response to a question by Nigel Weston, Kevin Pilley confirmed that the proposed changes report, published on the day of the Meeting, did not contain any new changes from that published on 28 May. Rather the report sought to provide further information on why the changes were being proposed, and gave suggested wording, where relevant for existing and new policies.
- 8.2 In response to a further question by Nigel Weston, Kevin Pilley stated that the delay in the start of the EiP would have an impact on when the States would debate the matter. This was dependent on the timing of the Inspectors' report, but he anticipated that the Plan would be debated and adopted before the summer recess in 2011. It was pointed out that this is an election year and he confirmed that he was mindful of that.
- 8.3 Maurice Dubras, asked if the latest report setting out the Minister's proposed changes could be placed in the States bookshop. He asked whether, as the states were currently sitting, the Minister could be asked to make a statement, setting out the revised timetable for the EiP and the reasons for the delay. He felt that the EiP should be publicised as much as possible, as many Islanders were unaware of the process.
- 8.4 Kevin Pilley agreed that the Minister's proposed changes would be placed in the States bookshop. He explained that details of the report and the opportunity to comment would be set out in a notice to be published in the Jersey Gazette, and that the States had prepared a press release. He stated that the EiP was the most open process the Sates have ever undertaken and that some States Members had made representations on the Plan.
- 8.5 The Inspectors were anxious that the EiP and the timetable were publicised as widely as possible.
- 8.6 In response to a question by Ray Shead, Chamber of Commerce, Mr Langton explained that there was a draft Core Documents list, and that any document that was likely to be referred to widely at the EiP, that was not currently on the list could be added. Mr Langton explained that only documents that were in the public domain could be taken into account by the Inspectors.

- 8.7 Ray Shead asked where the Inspectors were obtaining their economic advice from. Mr Shepley explained that this would be obtained from the Core Documents and from participants' statements. The Inspectors did not receive any information or documentation that was not publicly available.
- 8.8 In response to a query by Ray Shead about the North St Helier Masterplan, Mr Shepley explained that the Masterplan was not before the Inspectors for consideration, however it was a background document that could be referred to. The Inspectors would rely on the Chamber of Commerce to point out any possible effects of the Masterplan on the Island Plan.
- 8.9 In response to a question by Pierre Le Saux, Kevin Pilley explained that that there was nothing to prevent someone from submitting a planning application on a site that was due to be debated at the EiP.
- 8.10 In response to a query by Joe Carney, Mr Shepley explained that the Inspectors had visited about 50 sites and had about a further 50 to do. The States had supplied aerial photographs of the sites for the Inspectors, but they had not received any further information, such as site history.
- 8.11 Mr Shepley thanked everyone for attending the Meeting and looked forward to seeing them at the EiP.

2 July 2010