



Jersey

PLANNING AND BUILDING (PUBLIC INQUIRIES) (AMENDMENT) (JERSEY) ORDER 2015

Arrangement

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Made

Coming into force

THE MINISTER FOR PLANNING AND ENVIRONMENT, in pursuance of Articles 11, 12 and 124 of the Planning and Building (Jersey) Law 2002, orders as follows –

1 Interpretation

In this Order, the “principal Order” means the Planning and Building (Public Inquiries) (Jersey) Order 2008.

2 Article 1 amended

In Article 1(1) of the principal Order –

- (a) for the definition “eligible person” there shall be substituted the following definition –

“ ‘eligible person’ means –

- (a) the applicant;
- (b) the Chief Officer or any other person whose function is to advise the Chief Officer or the Minister (as the case may be) on –
 - (i) planning matters in general,
 - (ii) any objective described in Article 2 of the Law, or
 - (iii) any technical matter arising in respect of the application;
- (c) any person to whom the application must be referred under Articles 14 to 17 of the Law;
- (d) subject to Article 7(5)(c), any person who, at the time that person’s eligibility falls to be assessed, has –
 - (i) made a representation in respect of the application in accordance with the Planning and Building (Application Publication) (Jersey) Order 2006 (other

- than one who has since indicated a wish to take no further part in the inquiry), or
 - (ii) submitted a statement of case under Article 7; and
 - (e) any other person who, at the time that person's eligibility falls to be assessed, has been invited by the inspector to contribute to the public inquiry and agrees to do so;";
- (b) after the definition "Law" there shall be inserted the following definition –
 - " 'pre-inquiry meeting' means a meeting held by an inspector under Article 8;";
- and
- (c) the definitions "initial representation", "inquiry website", "plenary hearing", "States' employee" and "thematic hearing" shall be deleted.

3 Article 3 amended

In Article 3 of the principal Order –

- (a) for paragraph (1) there shall be substituted the following paragraph –
 - "(1) The Minister shall appoint a person who is –
 - (a) appointed, under Article 107 of the Law, as an inspector for the purposes of Part 7 of the Law; or
 - (b) to the Minister's satisfaction, a person of such qualifications and experience as are equivalent to those of a person described in sub-paragraph (a),
 as the inspector to conduct the inquiry.";
- (b) in paragraph (3) the words ", who are not States' employees," shall be deleted; and
- (c) for paragraphs (6) and (7) there shall be substituted the following paragraph –
 - "(6) The Minister shall make arrangements for the provision of such facilities as the inspector may reasonably require for the discharge of his or her duties, including (but not limited to) the provision of administrative support and facilities for electronic communications.".

4 Article 5 amended

In Article 5 of the principal Order, for paragraph (2) there shall be substituted the following paragraph –

- "(2) The announcement shall specify –
 - (a) where and when the application may be inspected, including the address of any inquiry website;
 - (b) the means by which, and the format in which, statements of case may be submitted to the inquiry;

- (c) the address, in accordance with Article 20, to which any statements of case should be sent;
- (d) requirements, in accordance with Article 7(2) to (4), as to the content of statements of case and the documents which may accompany them; and
- (e) a closing date for the submission of statements of case, being not less than 28 days after the date of the announcement.”.

5 Article 6 amended

- (1) For the heading to Article 6 of the principal Order there shall be substituted the following heading –

“6 Submissions to the inquiry”.

- (2) In Article 6 –
 - (a) for paragraph (1) there shall be substituted the following paragraph –
 - “(1) Submissions may be made to a public inquiry by any of the following means –
 - (a) statements of case under Article 7;
 - (b) proofs of evidence under Article 13;
 - (c) appearance and being heard in person at the inquiry.”; and
 - (b) in paragraph (2), for the words “A person entitled to submit a representation to a public inquiry may use that representation” there shall be substituted the words “A person entitled to make a submission to a public inquiry may use that submission”.

6 Article 7 amended

- (1) For the heading to Article 7 of the principal Order there shall be substituted the following heading –

“7 Statements of case”.

- (2) In Article 7 –
 - (a) for paragraph (1), there shall be substituted the following paragraph –
 - “(1) A statement of case in respect of the application –
 - (a) must be submitted by the Chief Officer; and
 - (b) may be submitted by any other person.”;
 - (b) in paragraph (2) –
 - (i) for the words “An initial representation” there shall be substituted the words “A statement of case”, and
 - (ii) for sub-paragraphs (a) and (b) there shall be substituted the following sub-paragraphs –

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- “(a) be in writing stating, in not more than 1500 words, the key points which the person submitting the statement wishes to make in respect of the application;
 - (b) in the case of a statement submitted by a person other than the Chief Officer, contain the person’s name and address; and”;
 - (c) in paragraph (3) –
 - (i) for the words “making the initial representation” there shall be substituted the words “submitting the statement of case”,
 - (ii) for the words “initial representation” in the second place in which they occur there shall be substituted the words “statement of case”, and
 - (iii) for the words “or address at which” there shall be substituted the words “and the address (including any electronic address) at which”;
 - (d) in paragraph (4) –
 - (i) for the words “An initial representation” there shall be substituted the words “A statement of case”, and
 - (ii) in sub-paragraph (b) for the words “initial representation” there shall be substituted the word “statement”;
 - (e) in paragraph (5) –
 - (i) for the word “Minister” there shall be substituted the words “Chief Officer”,
 - (ii) in sub-paragraph (a) for the word “Minister” there shall be substituted the words “Chief Officer”,
 - (iii) in sub-paragraph (b) for the words “initial representations” there shall be substituted the words “statements of case”, and
 - (iv) for sub-paragraph (c) there shall be substituted the following sub-paragraph –
 - “(c) the inspector may request each person who made a representation to provide, before the closing date for the submission of statements of case, so much of the information required by paragraphs (2) and (3) as has not already been provided by that person, and if the person does not submit the information requested, the inspector may decline to consider any submissions by the person.”; and
 - (f) in paragraph (6) –
 - (i) for the words “initial representations” in each place in which they occur there shall be substituted the words “statements of case”, and
 - (ii) for the words “on the inquiry website” there shall be substituted the words “electronically for that purpose (whether on a website or otherwise)”.

7 Article 8 amended

- (1) For the heading to Article 8 of the principal Order there shall be substituted the following heading –

“8 Pre-inquiry meetings”.

- (2) In paragraphs (1) and (2) of Article 8, for the word “preliminary” in each place in which it occurs there shall be substituted the word “pre-inquiry”.
- (3) For paragraphs (3) to (7) of Article 8 there shall be substituted the following paragraphs –
 - “(3) A pre-inquiry meeting shall not be used as a forum for the making of submissions.
 - (4) The inspector shall circulate information regarding a pre-inquiry meeting (which must include, but need not be limited to, the date, time and address of the meeting) to all eligible persons.
 - (5) A pre-inquiry meeting shall be held in public.”.

8 Articles 9, 10 etc. revoked

Articles 9, 10, 11 and 15 of the principal Order shall be deleted.

9 Article 12 amended

- (1) In the heading to Article 12 of the principal Order for the words “statements of case” there shall be substituted the words “proofs of evidence”.
- (2) In Article 12 –
 - (a) in paragraph (1), for the words “When the time allowed for making comments under Article 11(4) has ended, the inspector shall consider any comments submitted and” there shall be substituted the words “When the closing date for submission of statements of case has passed, and any pre-inquiry meetings have been held, the inspector shall”;
 - (b) for sub-paragraph (1)(a) there shall be substituted the following sub-paragraph –
 - “(a) the date by which proofs of evidence under Article 13 must be submitted (being a date not less than 7 days before the inquiry to which they relate) and (where appropriate) a maximum number of words to be used in each proof of evidence, whether generally or in relation to a particular matter or matters;”;
 - (c) in sub-paragraph (1)(b), for the words “for each hearing, and whether it is to be thematic or plenary;” there shall be substituted the words “for the inquiry;”;
 - (d) in sub-paragraph (1)(c) –
 - (i) for the words “for each thematic hearing,” there shall be substituted the words “so far as reasonably possible,”, and
 - (ii) at the end there shall be added the words “on each day on which an inquiry is to be held”; and
 - (e) for paragraph (2) there shall be substituted the following paragraph –

- “(2) If for any reason the timetable is revised, the inspector shall circulate a revised version as soon as possible after the revision, and in the same manner and to the same persons as the timetable circulated under paragraph (1).”.

10 Article 13 substituted

- (1) For Article 13 of the principal Order there shall be substituted the following Article –

“13 Proofs of evidence

- (1) Any eligible person may submit a proof of evidence, which –
- (a) must be submitted –
 - (i) in writing,
 - (ii) to the address given for the purpose, in accordance with Article 20(1), and
 - (iii) before the date specified for the purpose in the timetable circulated under Article 12 (and if it is not submitted before that date, the inspector may decline to admit in evidence any matter contained in it);
 - (b) must raise any substantial point on which that person intends to rely and which has not already been raised in a previous statement of case;
 - (c) must not exceed any maximum number of words specified in that timetable; and
 - (d) may be accompanied by supplementary documents that –
 - (i) are concise,
 - (ii) support points made in the proof of evidence, and
 - (iii) do not contain any matter that is not relevant to those points.
- (2) The inspector shall circulate to eligible persons all proofs of evidence and supplementary documents submitted in accordance with this Article.”.

11 Article 14 amended

- (1) In the heading to Article 14 of the principal Order, for the words “hearings” there shall be substituted the words “the inquiry”.
- (2) For Article 14(1) there shall be substituted the following paragraph –
- “(1) An inquiry shall be held in public, and may be held on one or more days (and if on more than one, these may or may not be consecutive days).”.
- (3) In Article 14(2) for the words “a hearing” there shall be substituted the words “an inquiry”.

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- (4) For paragraphs (3) and (4) of Article 14 there shall be substituted the following paragraph –
- “(3) The inspector may determine all matters of procedure relating to the conduct of an inquiry, including (but not limited to) –
- (a) cross-examination;
 - (b) the use and admissibility of expert evidence; and
 - (c) the exclusion of any person in the interests of good order, and for that purpose may impose any reasonable conditions.”.

(5) In Article 14(5) for the words “a hearing” there shall be substituted the words “the inquiry”.

12 Article 16 amended

In Article 16 of the principal Order, at the end there shall be added the following paragraph –

- “(5) A site visit shall be treated as a part of the inquiry, for the purposes of this Order and by the inspector and all parties, and in particular the inspector shall regulate the conduct of the site visit in accordance with the powers conferred by Article 14.”.

13 Article 17 amended

In Article 17(1) of the principal Order –

- (a) for the words “hearings and any site visit” there shall be substituted the word “inquiry”;
- (b) for sub-paragraph (a) there shall be substituted the following sub-paragraph –
 - “(a) collate and summarize for the Minister the evidence submitted to the inquiry; and”;and
- (c) in sub-paragraph (b), for the words “summarizing and analyzing the representations” there shall be substituted the words “setting out the inspector’s findings and the grounds for them”.

14 Article 18 amended

In Article 18(1)(a) of the principal Order, the words “, other than the Minister’s policy,” shall be deleted.

15 Article 19 substituted

For the text of Article 19 of the principal Order there shall be substituted the following –

- “As soon as is practicable after the Minister has determined the application, the Minister shall –
- (a) publish the inspector’s report and the determination;

- (b) arrange for a copy of the inspector’s report to be made available for inspection by the public, during normal office hours, without charge; and
- (c) circulate to eligible persons details as to how and where the report and determination may be inspected.”.

16 Article 20 amended

- (1) In the heading to Article 20 of the principal Order, the word “web” shall be deleted.
- (2) In Article 20(1) –
 - (a) in sub-paragraph (a) the words “, in paper form,” shall be deleted and after the semi-colon there shall be added the word “or”;
 - (b) in sub-paragraph (b) the word “or” at the end shall be deleted; and
 - (c) sub-paragraph (c) shall be deleted.
- (3) In Article 20(2), sub-paragraph (c) shall be deleted.
- (4) For Article 20(3) there shall be substituted the following paragraph –
 - “(3) A reference in this Order to publication of a document or any matter is to publication in such a manner as is best likely to bring the matter to the attention of those persons to whom the matter is required or permitted to be published, including by publication on a website or using any electronic means.”.

17 Article 21 revoked

Article 21 of the principal Order shall be deleted.

18 Citation and commencement

This Order may be cited as the Planning and Building (Public Inquiries) (Amendment) (Jersey) Order 2015 and shall come into force on the day after the day on which it is made.

Signed.....

Date.....

Minister for Planning and Environment

