

**JERSEY BRIDGING ISLAND PLAN
EXAMINATION IN PUBLIC**

**GUIDANCE NOTE FROM
THE INSPECTORS**

Version 1.0

Issued: 22 September 2021

1. Introduction

- 1.1 Jersey has by law a 'plan led' system to guide future development. The existing Revised Island Plan was adopted by the States in 2014, and the Government has now prepared a draft bridging Island Plan (the Plan) to cover the period 2022-2025. If approved by the States Assembly in due course, all previous development plans will be superseded. The Plan has been subject to formal public consultation between 19 April and 12 July 2021.
- 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 hearing sessions, an Examination in Public (EiP), before making recommendations. Under the revised legal process for the consideration of the Plan, the written comments comprise both those representations made by the public and representations submitted by States Members seeking amendments. The EiP has been arranged to be held during the weeks commencing Monday 15 November and Monday 22 November 2021.
- 1.3 This Guidance Note has been prepared to assist those individuals and organisations who have been invited to participate or wish to attend the open session, or to observe the EiP.

The Examination in Public

- 1.4 The EiP will provide opportunities for structured discussion and Examination of the Plan. The EiP hearings will consist of a series of discussions on the principal topics covered by the Plan. Where possible, participants with a mix of viewpoints on each of the selected topics will be invited. Topics will be chosen guided by the representations that have been made to the Minister for the Environment and the Inspectors reading of the Plan. Some of the hearing sessions will be considering specific proposed sites, which are either identified within the Plan for potential development or have been put forward by representors for possible inclusion within the Plan. There will also be a Plenary Session for individuals to address the Inspectors, where they have made representations on a topic which they have not been invited to debate at the thematic sessions. Bearing in mind that States Members have also made representations on the Plan, the Plenary Session will also afford States Members the opportunity to address the Inspectors if they consider that a relevant point has not been adequately dealt with in the thematic sessions. All sessions will be structured to ensure that participants have an opportunity to be heard. The discussions at the hearings will be led by the Inspectors with an emphasis on an informal approach. Legalistic or formal procedures involving

presentation of evidence and cross examination will not be permitted.

- 1.5 The Inspectors will report to the Minister on all the matters which have been raised in representations and/or which the Minister has asked them to consider, whether or not they have been the subject of debate at the EiP. It is stressed that both the initial written representations received as part of the consultation process and any further representations invited and received by the Inspectors will be considered on the same basis and given the appropriate weight as oral representations. Consequently parties may be assured that it is not necessary to be present at the EiP for their views to be fully taken into account.

2. Inspectors and Programme Officer

Inspectors

- 2.1 The States of Jersey have appointed Keith Holland BA (Hons) DipTP MRTPI ARICS as Lead Inspector and Geoff Salter BA MRTPI as Assistant Principal Inspector for the Examination. Derek Stebbing BA (Hons) DipEP MRTPI has been appointed as Assistant Senior Inspector to provide support to the Lead and Assistant Principal Inspectors.

Programme Officer

- 2.2 The Programme Officer is Mrs Helen Wilson BA (Hons). She is responsible for the administrative arrangements up to and during the EiP. 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 (e.g. 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 as follows:

Helen Wilson, IP Programme Officer
c/o Government of Jersey
Strategic Policy, Planning and Performance
19-21 Broad Street
St Helier
Jersey
JE2 3RR

Telephone: 0151 352 3863

Mobile: 07879 443035

E-mail: progofficer@aol.com

Examination Website

2.5 The Programme Officer administers the Examination Website which is:

Website – www.gov.je/IslandPlanEiP

Examination Library

2.6 During the Examination the Programme Officer will maintain an on-line Examination Library as part of the Examination website, which will include:

- A link to copies of all representations submitted to the Plan;
- Examination Core Documents, including the Plan and all of its supporting evidence base documents;
- Any briefing or other information requested by the Inspectors;
- The further representations invited and submitted to the Inspectors;
- Documents other than those listed above and referred to in Written Submissions; and
- Any correspondence between the States and the Inspectors during the Examination.

2.7 Participants preparing Further Representations (see below) should check whether any documents that they intend to refer to in their submissions, or at the EiP, are included in the list of Core Documents. Participants do not need to 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.

3. Venue for the Hearing Sessions

- 3.1 The hearing sessions will be held at The Member's Room, Société Jersiaise, 7. Pier Road, St. Helier, Jersey. JE2 4XW.
- 3.2 There is suitable access for persons with limited mobility at the venue. 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.
- 3.3 The Inspectors recognise that the situation regarding COVID-19 will need to be monitored and the format of the hearings reviewed if necessary. If there are COVID-19 related reasons which mean you cannot attend in person, please speak to the Programme Officer as soon as possible, in order to allow alternative arrangements to be explored. If there are lockdown restrictions then the hearings may be held virtually. However, at present the Inspectors are preparing to hold physical hearings.

4. Dates for Hearing Sessions

- 4.1 The EIP hearing sessions (which are part of the overall Examination) will be held on:

Week 1 – Monday, 15 November to Friday, 19 November 2021

Week 2 – Monday, 22 November to Thursday, 25 November 2021

- 4.2 There will be a morning and afternoon session on each day. A Draft List has been published alongside this Guidance Note indicating the Inspectors' initial views on the matters to be discussed at each hearing and the participants to be invited, **although you should be aware that it may change**. This is because the Inspectors' are now inviting comments on the Draft List, which will be revised and republished following consideration of any comments received. This will inform the final EIP programme. Further details are set out in paragraph 10.1 below. In the interests of fairness to all once the final programme has been agreed it will not be changed to suit the attendance preferences of individuals. Where an individual cannot attend, they may nominate a substitute to appear for them, failing which the Inspectors will rely on the written representation made.

- 4.3 With the exception of the Plenary Session, participants will sit at tables arranged in a U-shape to facilitate 'round table' discussions. 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.
- 4.4 The hearing sessions will be inquisitorial, rather than adversarial. The Inspectors will endeavour to progress them in an effective and efficient manner by leading the discussion. The Inspectors will have read all the relevant documentation including the representations and it will be assumed that all participants will be familiar with the documents relevant to their contribution. Consequently participants will not be given the opportunity to repeat what is already contained in their written representation. Rather objectors will be expected to be specific about what changes they wish to see made to the Plan. The informal nature of the sessions means that it will not be necessary for participants to have legal representation.

5. On-line Streaming of the Hearing Sessions

- 5.1 Arrangements will be made for the on-line live streaming and recording of the hearing sessions for people wishing to watch the proceedings, and who are not participating in the hearing sessions. Details will be published on the Examination website in due course.

6. The Inspectors' Role in the Examination

- 6.1 The Inspectors' task is to undertake the independent Examination of the Plan. The Examination will consider whether the draft Island Plan furthers the purpose and intent of the Planning and Building (Jersey) Law 2002 (Article 4 (3)), and will provide for the orderly, comprehensive and sustainable development of land in a manner that best serves the interests of the community and is otherwise considered adequate. This will be undertaken in accordance with the requirements of the 2002 Law, as amended by the Covid-19 (Island Plan) (Jersey) Regulations 2021, and the Planning and Building (Covid-19 Bridging Island Plan) (Jersey) Order 2021. The Inspectors' terms of reference may be viewed on the Examination website.
- 6.2 To provide a framework for the Examination of the Plan, the Minister for the Environment has described a number of adequacy considerations, against which the Plan and its supporting evidence base shall be assessed by the Inspectors:
- The bridging Island Plan, overall, meets the purposes contained within the Planning and Building (Jersey) Law 2002, and that in

particular that it provides for the orderly, comprehensive and sustainable development of the land which best meets the needs of the community, without undue harm to the natural environment.

- The bridging Island Plan, overall, is based on proportionate evidence and assessment of development needs.
- The bridging Island Plan, overall, adopts an appropriate strategy for sustainable development, having regard to a range of plausible scenarios.
- The bridging Island Plan, overall, is capable of delivery.
- The bridging Island Plan, overall, is otherwise consistent with the Government of Jersey's wider strategic objectives and decisions of the State Assembly.

6.3 Following the close of the hearings the Inspectors will prepare a report to the Minister for the Environment with their conclusions. The report will deal with broad issues arising from the Examination, and not with each individual representation. However the Inspectors' terms of reference do require the Inspectors to comment on the relative merits and/or challenges of each States Member Amendment, as proposed prior to the Examination taking place (which may include a recommendation for the Amendment to be accepted or rejected).

6.4 The report will include any recommendations for amendments to the Plan that the Inspectors consider necessary in order for the Plan to meet the adequacy considerations listed above.

7. Site Visits

7.1 The Inspectors will be carrying out unaccompanied site visits prior to the hearing sessions. Following the hearing sessions, the Inspectors will decide whether or not further site visits, some of which may be accompanied, will be needed.

8. The Plenary Session

8.1 Separately from the 'round table' thematic sessions described above, anyone who has made representations on the Plan, but not previously been invited to contribute on a particular topic may attend an open Plenary Session and be able to address the Inspectors. The Plenary Session is expected to be on the final day of the hearing sessions, as indicated in the Draft List. Parties wishing to take part in this session should notify the Programme Officer by 2pm Wednesday 5 October 2021 (see 10.1 below).

8.2 The Plenary Session will be as informal as possible. Each person will be invited to address the Inspectors in turn, for a period of up to five minutes. The Inspectors may ask questions, and the Minister for the Environment or his representatives will be invited to respond to the points made.

9. Further Representations

- 9.1 Following the receipt and consideration of any comments on the Draft List, the Inspectors shall publish the updated programme for the hearing sessions. At the same time, the Inspectors will invite further representations from those parties who have previously submitted representations to the Plan and from any other persons invited to do so by the Inspectors. In considering who might be invited, the Inspectors will have regard to any new issues of significance that have emerged but were not raised in the bridging Island Plan consultation.
- 9.2 It is presently anticipated this process will take place around **mid-October** (timing subject to consideration of any comments on the Draft List). Please refer to the EiP webpage for updates, which will in due course provide details of where and when to send further representations. A period of **two weeks** will be provided to prepare and submit any further representation. Unless there are exceptional circumstances, late submissions will not be accepted.
- 9.3 When invited, further representations should be a **maximum** of 1,500 words in length for each matter and must be material to the Plan in general or to the specific matters to be discussed at the hearing sessions. If referring to a representation made by another party, the relevant response reference will need to be provided. Where the representor is to be a participant at a hearing session, they should identify any substantive points which they wish to expand on at the hearing session. The word limit does not include any concise supplementary documents that are submitted to accompany the further representations.
- 9.4 The Inspectors are examining the Plan as prepared by the Government of Jersey. Therefore, they will in the first instance, be considering the merits for the development of sites included in the Plan ("allocated sites"). However, should they determine that there is a need for additional or different sites to be allocated, they will take account of the alternatives suggested by the Minister, the sites proposed in public representations to the Plan and the States Members' suggested amendments.

9.5 Aside from the further representations and comments on the Draft List (duly made within the timeframes the Inspectors set), no other written evidence will be accepted unless the Inspectors specifically request it. All further representations will be posted on the Examination website, so that they are available to all participants and anyone else who wishes to read them. Because they will be available in this way, they will not be circulated directly to participants. However, anyone who is unable to access them on the website may request copies from the Programme Officer.

10. The Hearing Sessions Programme

- 10.1 A Draft List has been published alongside this Guidance Note identifying the matters initially selected to be discussed at each hearing session and the proposed participants. **Comments are being invited on the Draft List to be received by 2pm Tuesday 5 October 2021.** It provides an opportunity for any party that has made a representation to express a wish to participate at a thematic hearing session (if selected by the Inspectors) or the Plenary Session (see 8. above). These should be emailed to progofficer@aol.com or posted to Helen Wilson, IP Programme Officer at the address in 2.4 above. Following the Inspectors' consideration of any comments received, the Draft List will be revised and published to form the EiP programme.
- 10.2 If appropriate, the programme may be subject to further revisions following consideration of the further representations: please refer to the Examination webpage for updates.
- 10.3 Should any restrictions caused by the COVID-19 pandemic necessitate any changes to the draft programme, they will be notified on the Examination website. It will be for individual participants to check the progress of the sessions, either on the Examination website or with the Programme Officer, and to ensure that they are present at the right time.