



Jersey

PLANNING AND BUILDING (PUBLIC INQUIRIES) (JERSEY) ORDER 2008

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PLANNING AND BUILDING (PUBLIC INQUIRIES) (JERSEY) ORDER 2008

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Jersey

PLANNING AND BUILDING (PUBLIC INQUIRIES) (JERSEY) ORDER 2008

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 –

Commencement [[see endnotes](#)]

1 Interpretation

(1) In this Order –

“announcement” means the announcement of a public inquiry in accordance with Article 5;

“applicant” means the person who applied for the planning permission which is the subject of the public inquiry;

“application” means the application for planning permission which is the subject of the public inquiry;

“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;

"inspector" means the person appointed as such under Article 3, and includes any assistant inspector;

"Law" means the [Planning and Building \(Jersey\) Law 2002](#);

"pre-inquiry meeting" means a meeting held by an inspector under Article 8.¹

(2) In this Order, any reference to the submission, circulation or publication of a document is to be read in accordance with Article 20.

2 Application of Order

This Order applies where, by virtue of Article 12(2) of the Law, a public inquiry is to be held in respect of an application for planning permission.

3 Appointment of inspector and supporting officers

(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 subparagraph (a),

as the inspector to conduct the inquiry.²

(2) If, for any reason, the person appointed as inspector ceases to be inspector before the public inquiry is concluded, the Minister may appoint another person as inspector to complete the inquiry.

(3) The Minister may appoint as assistant inspectors one or more persons to assist the inspector in the discharge of his or her functions.³

(4) The Minister may designate an assistant inspector to perform the functions of the inspector for any period during which the person appointed as inspector is unable to perform those functions through absence or incapacity.

(5) The inspector may appoint persons to provide the inspector with advice on any technical matter arising in the public inquiry.

(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

(7) ⁵

4 General functions of inspector

- (1) The Minister shall set terms of reference for the inspector, which may include a direction to the inspector to draw conclusions and make recommendations in respect of the application.
- (2) The inspector shall conduct the public inquiry as he or she thinks fit, subject to the requirements of this Order and of the terms of reference.
- (3) If the inspector considers it just in all the circumstances to do so he or she may, in any case or generally –
 - (a) extend any period within which anything shall or may be done under this Order;
 - (b) permit the use of a greater number of words in a submission than otherwise provided for under this Order.

5 Announcement of public inquiry

- (1) The Minister shall announce, in a manner that is likely to bring the matter to the attention of the public of Jersey, that the public inquiry is to be held.
- (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.⁶
- (3) The Minister shall send a copy of the announcement to the applicant and any other eligible persons.

6 Submissions to the inquiry⁷

- (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.⁸
- (2) A person entitled to make a submission to a public inquiry may use that submission –

- (a) to supplement or to replace, but not to repeat substantively, any points made in any earlier representation submitted by that person; and
- (b) to comment on any representation already submitted by any other person.⁹

7 Statements of case¹⁰

- (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.¹¹
- (2) A statement of case must –
 - (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) be submitted before the closing date specified in the announcement.¹²
- (3) If the person submitting the statement of case wishes to be contacted other than by post to the address given under paragraph (2), the statement of case must also include details of the other means by which and the address (including any electronic address) at which the person wishes –
 - (a) to have documents circulated to him or her; and
 - (b) if different, to be contacted for other purposes connected to the public inquiry.¹³
- (4) An statement of case may be accompanied by documents that –
 - (a) are concise;
 - (b) support any of the key points summarized in the statement; and
 - (c) do not contain any matter that is not relevant to those points.¹⁴
- (5) Where, before the announcement, any representations have been made to the Chief Officer in respect of the application, in accordance with the [Planning and Building \(Application Publication\) \(Jersey\) Order 2006](#) –
 - (a) the Chief Officer shall provide the inspector with copies of those representations;
 - (b) for the purposes of this Order, the representations shall be treated as statements of case; and
 - (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.¹⁵

- (6) The inspector shall, after the closing date for the submission of statements of case, circulate the statements of case to eligible persons, and may publish them electronically for that purpose (whether on a website or otherwise).¹⁶

8 Pre-inquiry meetings¹⁷

- (1) The inspector may, if he or she thinks fit, hold one or more pre-inquiry meetings or seminars.¹⁸
- (2) The purpose of a pre-inquiry meeting is to give information about the conduct of the public inquiry to eligible persons.¹⁹
- (3) A pre-inquiry meeting shall not be used as a forum for the making of submissions.²⁰
- (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.²¹
- (5) A pre-inquiry meeting shall be held in public.²²
- (6) ²³
- (7) ²⁴

9 ²⁵

10 ²⁶

11 ²⁷

12 Timetable for hearings and submission of proofs of evidence²⁸

- (1) When the closing date for submission of statements of case has passed, and any pre-inquiry meetings have been held, the inspector shall prepare and circulate to eligible persons a timetable showing –
- (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;
- (b) the date, time and venue for the inquiry; and
- (c) so far as reasonably possible, the matters to be examined and the persons to appear and be heard on each day on which an inquiry is to be held.²⁹
- (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).³⁰

13 Proofs of evidence³¹

- (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.

14 Conduct of the inquiry³²

- (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).³³
- (2) A person may appear at an inquiry in person or through his or her representative, and references in this Order to a person appearing shall be construed accordingly.³⁴
- (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.³⁵
- (4) ³⁶
- (5) The inspector shall cause a record to be made of the inquiry.³⁷

15 ³⁸**16 Site visits**

- (1) The inspector may visit the land to which the application relates.
- (2) The inspector may make a site visit either unaccompanied or accompanied.
- (3) Where the inspector arranges to make a site visit accompanied by any person, the inspector shall not be required to defer the visit in the event that the person is not present at the time appointed for the visit.
- (4) A site visit may take place at any time between the announcement and the preparation of the report under Article 17.
- (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 14.³⁹

17 Inspector's report

- (1) When the inspector has concluded the inquiry the inspector shall –
 - (a) collate and summarize for the Minister the evidence submitted to the inquiry; and
 - (b) prepare and send to the Minister a report setting out the inspector's findings and the grounds for them.⁴⁰
- (2) If the terms of reference require the inspector to draw conclusions or make recommendations, the inspector shall include them in the report.

18 Minister's power to direct that inquiry be re-opened

- (1) The Minister may direct the inspector to re-open the public inquiry if, before the Minister determines the application, it appears to the Minister –
 - (a) that there are material considerations that either are not mentioned in the inspector's report or are insufficiently considered in that report; or
 - (b) that the report contains any technical information that is incorrect in a material particular.⁴¹
- (2) The inspector shall comply with a direction under paragraph (1) and, in doing so, may make such arrangements as he or she thinks fit for further public inquiry into the application.

19 Publication of inspector's report

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.⁴²

20 Submission, circulation and publication of documents⁴³

- (1) A person may make any submission under this Order by, as specified in the announcement –
 - (a) sending it to the postal address given for the inspector; or
 - (b) transmitting it to the address given for the inspector for electronic communications.⁴⁴
- (2) A requirement in this Order to circulate a document to any person is satisfied –
 - (a) by sending a paper copy to the postal address provided by the person for the purpose; or
 - (b) by transmitting the document to an address for electronic communications provided by the person for the purpose.⁴⁵
- (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.⁴⁶

21 ⁴⁷

22 Citation

This Order may be cited as the Planning and Building (Public Inquiries) (Jersey) Order 2008.

ENDNOTES

Table of Legislation History

Legislation	Year and No	Commencement
Planning and Building (Public Inquiries) (Jersey) Order 2008	R&O.137/2008	23 October 2008
Planning and Building (Public Inquiries) (Amendment) (Jersey) Order 2015	R&O.122/2015	13 October 2015

Table of Renumbered Provisions

Original	Current
21	Spent, omitted
22	21
23	22

Table of Endnote References

¹ Article 1(1)	amended by R&O.122/2015
² Article 3(1)	substituted by R&O.122/2015
³ Article 3(3)	amended by R&O.122/2015
⁴ Article 3(6)	substituted by R&O.122/2015
⁵ Article 3(7)	deleted by R&O.122/2015
⁶ Article 5(2)	substituted by R&O.122/2015
⁷ Article 6	heading substituted by R&O.122/2015
⁸ Article 6(1)	substituted by R&O.122/2015
⁹ Article 6(2)	amended by R&O.122/2015
¹⁰ Article 7	heading substituted by R&O.122/2015
¹¹ Article 7(1)	substituted by R&O.122/2015
¹² Article 7(2)	amended by R&O.122/2015
¹³ Article 7(3)	amended by R&O.122/2015
¹⁴ Article 7(4)	amended by R&O.122/2015
¹⁵ Article 7(5)	amended by R&O.122/2015
¹⁶ Article 7(6)	amended by R&O.122/2015
¹⁷ Article 8	heading substituted by R&O.122/2015
¹⁸ Article 8(1)	amended by R&O.122/2015
¹⁹ Article 8(2)	amended by R&O.122/2015
²⁰ Article 8(3)	substituted by R&O.122/2015
²¹ Article 8(4)	substituted by R&O.122/2015
²² Article 8(5)	substituted by R&O.122/2015
²³ Article 8(6)	deleted by R&O.122/2015
²⁴ Article 8(7)	deleted by R&O.122/2015
²⁵ Article 9	revoked by R&O.122/2015
²⁶ Article 10	revoked by R&O.122/2015
²⁷ Article 11	revoked by R&O.122/2015
²⁸ Article 12	heading amended by R&O.122/2015
²⁹ Article 12(1)	amended by R&O.122/2015

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- ³⁰ *Article 12(2)* substituted by R&O.122/2015
³¹ *Article 13* substituted by R&O.122/2015
³² *Article 14* heading amended by R&O.122/2015
³³ *Article 14(1)* substituted by R&O.122/2015
³⁴ *Article 14(2)* amended by R&O.122/2015
³⁵ *Article 14(3)* substituted by R&O.122/2015
³⁶ *Article 14(4)* deleted by R&O.122/2015
³⁷ *Article 14(5)* amended by R&O.122/2015
³⁸ *Article 15* revoked by R&O.122/2015
³⁹ *Article 16(5)* added by R&O.122/2015
⁴⁰ *Article 17(1)* amended by R&O.122/2015
⁴¹ *Article 18(1)* amended by R&O.122/2015
⁴² *Article 19* amended by R&O.122/2015
⁴³ *Article 20* heading amended by R&O.122/2015
⁴⁴ *Article 20(1)* amended by R&O.122/2015
⁴⁵ *Article 20(2)* amended by R&O.122/2015
⁴⁶ *Article 20(3)* substituted by R&O.122/2015
⁴⁷ *Article 21* revoked by R&O.122/2015