

ORAL QUESTION FOR TUESDAY 29th JUNE 2021
(To be answered by the Minister in person under Standing Order 13(3A))

Deputy R.J. Ward of St. Helier will ask the following question of the Minister for the Environment –

“Given that the Jersey census analysis and the Education Estate Review are not going to be available before amendments to the Bridging Island Plan 2022-2025 are due to be lodged, will the Minister advise what flexibility, if any, will be permitted to consider amendments informed by this data that are submitted after the 12th July 2021 deadline?”

The following response was provided in writing in accordance with Standing Order 63(9) as the oral question was not asked before the end of the time allowed for Oral Questions:

It is inevitable that new issues and information will come to light during the process of reviewing the Island Plan.

The timetable for the current census has always been known and is one reason why this Island Plan is a shorter-term bridging Island Plan, so that it can be reset in short order following publication and analysis of new census data.

Whilst I have had to bring forward a new review process in response to the uncertainty created by the pandemic and Brexit, I have tried to ensure that it retains as much flexibility as possible, whilst adhering to the important principles of fairness, accessibility and transparency.

After the initial period of opportunity for amendment closes on 12 July Members will, of course, have a further opportunity for amendments to be made after I publish the planning inspector’s report into all of those issues raised by States Member’s amendments and public representations.

Any such amendments will need to be related to substantive issues considered during the Examination in Public.

I am, however, confident that issues associated with the planning assumption, and the associated matter of demographic data, which informs the draft plan; together with issues associated with the education estate will be raised and considered through this process.

Supplementary information

Extract from:

PLANNING AND BUILDING (COVID-19 BRIDGING ISLAND PLAN) (JERSEY) ORDER 2021

MENV has powers (in green) to:

- Lodge his own amendments (in any respect)
- Re-open the EiP if material considerations are not sufficiently covered

SMs can bring amendments (in yellow)

18 Minister to publish inspector's report, further amendments etc.

- (1) As soon as practicable after receiving it, the Minister must announce and publish the inspector's report and must present the report to the States.
- (2) **If, having considered the report, it seems to the Minister that the draft bridging plan should be amended in any respect, the Minister may –**
 - (a) **lodge an amendment to the draft bridging plan accordingly;** and
 - (b) lodge an amendment to an amendment lodged by any other Member.
- (3) Following publication of the inspector's report, **a Member other than the Minister may lodge an amendment to the draft bridging plan, or an amendment to a previously lodged amendment, relating to any substantive issue in respect of the draft bridging plan which has already been considered, whether during the consultation process, during the examination in public, or in the inspector's report.**

17 Minister's power to re-open examination in public

- (1) **The Minister may direct the inspector to re-open the examination in public** if it appears to the Minister that –
 - (a) **there are material considerations, other than the Minister's policy, which are either not mentioned, or insufficiently considered, in the inspector's report;** or
 - (b) the report contains any technical information which is incorrect in a material particular.
- (2) The inspector must comply with a direction under paragraph (1) and, in doing so, may make such arrangements as the inspector thinks fit for further conduct of the examination.

Extract from:

PLANNING AND BUILDING (JERSEY) LAW 2002

MENV has powers (in green) to:

- lodge his own amendments, at anytime, if the States Assembly agree.

4A Procedure for and following lodging of draft Island Plan^[20]

- (1) A draft Island Plan cannot be debated by the States unless it has been lodged for a minimum period of 12 weeks.
- (2) An amendment to a draft Island Plan cannot be debated by the States –
 - (a) in the case of an amendment to the draft bridging plan, unless it has been lodged during –
 - (i) the period of 12 weeks mentioned in Article 3(3A), or
 - (ii) such further period, ending not less than 5 weeks before the debate, as may be prescribed by Order; or
 - (b) in the case of an amendment to a draft Island Plan other than the draft bridging plan, unless it has been lodged for a minimum period of 8 weeks.^[21]
- (3) An amendment to an amendment to a draft Island Plan cannot be debated by the States –
 - (a) in the case of an amendment to an amendment to the draft bridging plan, unless it has been lodged during –
 - (i) the period of 12 weeks mentioned in Article 3(3A), or
 - (ii) such further period, ending not less than 4 weeks before the debate, as may be prescribed by Order;
 - (b) in the case of an amendment to an amendment to a draft Island Plan other than the draft bridging plan, unless it has been lodged for a minimum period of 6 weeks.^[22]
- (3A) An amendment by the Minister to the Minister's proposals in the draft bridging plan cannot be debated by the States unless it has been –
 - (a) made in accordance with such further provision on the procedure for the draft bridging plan as may be made by Order; and
 - (b) lodged for a minimum period of 2 weeks.^[23]
- (4) But paragraph (2), (3) or (3A), as the case may be, does not apply if the States agree that an amendment lodged by the Minister may be debated forthwith or on a day or at a time approved by the States.^[24]