

**WRITTEN QUESTION TO H.M. ATTORNEY GENERAL  
BY DEPUTY J.H. YOUNG OF ST. BRELADE  
ANSWER TO BE TABLED ON MONDAY 15th JULY 2013**

**Question**

Will H.M. Attorney General inform the Assembly whether under the Planning and Building (Public Inquiries) (Jersey) Order 2008, the Inspector who was appointed by the Minister for Planning and Environment to hold a public inquiry into the redevelopment of Plémont Holiday Village is required to prepare and publish a transcript or record of the hearing which took place on 25th and 26th September 2012 and, if so, would he inform the Assembly of the legal procedures which are available to the public to obtain access to that record or transcript and to formally challenge the content of the Inspector's report to the Minister in respect of alleged omissions, factual errors and erroneous analysis contained therein?

**Answer**

Article 4 of the Planning and Building (Public Inquiries) (Jersey) Order 2008 deals with the general functions of the Inspector. Article 4(2) of the Order provides:

*“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.”*

Article 14 of the Order deals with the conduct of hearings. Article 14(5) of the Order provides:

*“The inspector shall cause a record to be made of a hearing.”*

Subject to any direction in the terms of reference it is a matter for the Inspector as to how he discharges the duty placed on him by Article 14(5).

The Order itself does not require the Inspector to publish a record made by him for the purposes of Article 14(5).

The rights of Members to information held by a Minister are set out in the Report of the Privileges and Procedures Committee to the States of the 23<sup>rd</sup> December, 2011 (R.153/2011).

The Attorney General refers to the answer to Written Question 7348 which sets out the relevant provision under the 2008 Order concerning the scope of the Minister's discretionary power to reopen a public inquiry.