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Senator Kristina Moore
Chair, Future Hospital Review Panel

BY EMAIL

26 January 2022

Dear Kristina

Re: Our Hospital 2022 – Public Inquiry

Thank you for your letter dated 17 January 2022.

Before I begin, for the avoidance of doubt, I have consulted with the independent planning inspector (the Inspector) where required and appropriate on the content of this letter.

Firstly, I would like to use this opportunity to reiterate what is currently in the public domain with regard to the planning application for the Our Hospital Project (the Application) and the Bridging Island Plan (BIP) as it relates to the Application.

- The Application is available on the gov.je planning application webpage ([P/2021/1670](#)).
- The BIP policies that relate to the Application, as determined by the applicant, are available in the support files for the Application.
- There is an inquiry webpage on gov.je for the Application ([Our Hospital 2022 \(Public Inquiry\)](#)).
- The [Terms of Reference](#) that states that the Application will be considered against the Bridging Island Plan is available on the inquiry webpage.
- The inquiry webpage details all information required in accordance with the [Planning and Building \(Jersey\) Law 2002](#)'s Article 12 ([Public Inquiries](#)) and the relevant Order ([Planning and Building \(Public Inquiries\) \(Jersey\) Order 2008](#)).
- The Bridging Island Plan can be found [here](#). The draft BIP details, in full, the policies referenced in the extract as well the specific policy for the Hospital site following the adoption of the site by the States Assembly.
- The BIP was subject to a separate public inquiry, the results of which will be published in due course with my response(s) for the Assembly and the public.

On the transitional period between Island Plans

As you will know following your question to the Attorney General ([OQ.238/2021](#)):

“planning applications fall to be considered in light of the Island Plan which is current at the time that the application is determined - and I stress determined...”

The matter of planning applications being registered while the Assembly consider a new/developing Island Plan is not new. During the period when the current Island Plan was being developed and adopted, applications were registered under the previous (2002) Island Plan and then determined under the 2011 Island Plan. Therefore, this is, and has always been, the case for any and all applications registered during what we can consider a transitional period.

On making representations during the transitional period

When it comes to making representations, irrespective of the policies in place, an individual can make a representation on an application. For example, an individual might comment that a proposed development might cause a great deal of harm to their privacy – but it does not matter whether that issue is assessed under the 2011 Island Plan or the BIP, because it is catered for adequately under each. Therefore, in this spirit, any representations already made, even if they reference a policy not reflected in the new plan directly, can be considered by the Inspector as part of the public inquiry. I would add, any representations already made can be amended if the person making the representation feels there is a need to do so, as long as they are within the parameters/timescales set by the Terms of Reference and the Inspector.

On the time between the conclusion of the BIP debate and the Public Inquiry

The Panel are, of course, entitled to their view that, in their opinion, there is insufficient time for the Inspector to digest the adopted policies in the BIP. As part of the response to the second question in your letter (which I address in the latter part of my response), I have consulted with the independent Inspector and sought their view directly rather than adopt a position for them. I can confirm that the Inspector is satisfied that, within the current timescales, there is sufficient time for them to consider the policies adopted by the States Assembly and to prepare their report into the Application for my determination.

Turning to the questions in your letter which you asked I consider, please see my responses below.

1) Issuing guidance for the public on how to proceed with representations to the Planning Inspector given that these are being written under one Island Plan regime but will be evaluated under another.

Building on comments already made, I have asked officers to update the Inquiry website so that it links those documents already in the public domain to make it explicit to any and all interested parties what policies will be considered by the Inspector as part of the Public Inquiry process. In terms of making representations generally, guidance is already available on the gov.je website [here](#).

Furthermore, officers are investigating what Amendments currently, if any, will have any effect on the Application; although there are sixty-one Amendments, only a tiny number will have an impact on the deciding of the Application and so there is some certainty, even at this stage, as to the state of the BIP as it relates to the Application. However, we are mindful that there are still further rounds of Amendments by States Members to come, as well as receipt of the Inspector's report into the BIP, that may shed a different light on this point.

2) Implementing a short delay of a week or two to the beginning of the Public Inquiry to allow the Planning Inspector adequate time to digest the implications of the amended and adopted Bridging Island Plan following the conclusion of the debate on the proposed policy

Having consulted with the Inspector, I can confirm that I have asked the Inspector to consider delaying the inquiry by one week and, as a result, the inquiry will now take place on 4 April to 11 April 2022.

It should be noted that any further extension would present challenges as the timetable would stray into the easter period and there is a strong public-inclusion motive to avoid holding inquiries, consultations, etc., over periods when people are likely to be unavailable.

I trust that this letter is of assistance to the Panel.

Yours sincerely



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