

**WRITTEN QUESTION TO H.M. ATTORNEY GENERAL  
BY DEPUTY I. GARDINER OF ST. HELIER  
QUESTION SUBMITTED ON MONDAY 24<sup>th</sup> JANUARY 2022  
ANSWER TO BE TABLED ON MONDAY 31<sup>st</sup> JANUARY 2022**

**Question**

“Will H.M. Attorney General advise what legal requirements apply to the application and assessment of the public interest test (as identified within the Bridging Island Plan) to the Our Hospital planning application?”

**Answer**

The legal requirements for determining the Our Hospital planning application will be pursuant to the Island Plan or the Bridging Island Plan, depending on which is current at the time the application is determined. In the case of the Bridging Island Plan the development of the Our Hospital site should be assessed against the Minister for the Environment’s published supplementary planning guidance and all other relevant planning policies and any other material considerations. This will include the factors provided in Policy C13 concerning the Our Hospital site and associated sites and infrastructure, as set out in the Bridging Island Plan. However, it will also include other relevant policies such as Policy HE1 insofar as the application involves listed buildings.

Pursuant to the Planning and Building (Covid-19 Bridging Island Plan) (Jersey) Order 2021 (the ‘2021 Order’) the Minister for the Environment must appoint an inspector to conduct an examination in public before the draft bridging Island Plan is debated by the States Assembly, and the inspector must submit a report to the Minister concerning the draft Bridging Island Plan which must be published and presented to the States Assembly. How the assessment of the draft Island Bridging Plan is conducted is a matter for the inspector. Article 8 of the 2021 Order provides:

*“Subject to the requirements of this Order and of the inspector’s terms of reference, the inspector may conduct the examination in public in such a manner as the inspector thinks fit...”*

In accordance with Article 18 of the 2021 Order, the Minister and other States members may lodge an amendment to the draft Island Bridging Plan (which would include Policy C13 or other relevant policies therein) or an amendment to a previously lodged amendment thereto following publication of the Inspector’s report. The process for amendments is set out in legislation (Article 4A of the Planning and Building (Jersey) Law 2002).