

**WRITTEN QUESTION TO THE CHAIRMAN OF ENVIRONMENT SCRUTINY PANEL
BY DEPUTY G.C.L. BAUDAINS OF ST. CLEMENT
ANSWER TO BE TABLED ON TUESDAY 14th MAY 2013**

Question

Would the Chairman update members on his review into Planning issues?

Answer

Further to my reply tabled on 19th February 2013 to the Deputy's earlier question on this topic, the Chief Minister replied to a letter from the Panel regarding the need for an independent review of planning process on 27th February, suggesting how this could be progressed. The Panel was unable to agree to the terms proposed, for three main reasons:

1. The Chief Minister suggested that terms of reference for the review should be negotiated at a meeting between the Panel, the Minister for Planning and Resources and his Chief Officer, to be chaired by the Chief Minister himself. Members considered that enabling the department to have a substantial influence on the terms of reference would undermine the concept of an independent review, as well as creating a conflict of interest for those taking part.
2. The Panel is aware from its experience of public and private meetings that the department's view of its performance is fundamentally different from that of the Panel and other observers, including some members of the Planning Applications Panel, the Chamber of Commerce, industry and the public who have contacted the Panel expressing their concerns.
3. It was also apparent that the scope of the discussion would be restricted. The Chief Minister's letter excluded a number of the concerns raised by the Panel; effectively this would have pre-judged important issues before the review had even begun, further compromising its effectiveness.

The Panel wrote to the Chief Minister on 5th March 2013 confirming that it would not attend the proposed meeting under these restrictions. In the absence of further communication from the Chief Minister the Panel is not aware whether it is still intended to commission a full independent review of the planning process, although members believe that the need for this has been amply demonstrated. The Panel has agreed to focus on reviews of specific departmental policies where these do not appear to be working well, and has prepared scoping and draft terms of reference for a review of historic buildings regulation to be discussed shortly with the Minister for Planning and Environment. Terms of reference for other aspects of the planning process believed to be most urgently in need of review are also under consideration, including:

- Pre-application advice service
- Fees and charges
- Decision-making, to include the interaction between officer advice, the Planning Applications Panel and the Minister's responsibilities