

20.10.20

21 Deputy M.R. Higgins of the Minister for the Environment regarding planning and development control (OQ.282/2020):

Will the Minister explain what measures, if any, are in place to ensure that any lack of enforcement prosecutions does not lead to planning and development control regulations and laws being flouted by builders and developers to the detriment of the Island's environment and our heritage?

Deputy J.H. Young (The Minister for the Environment):

As the Solicitor General explained earlier today in his answer to the Deputy's question, question 5, prosecution is the final sanction through the Attorney General's office, which is reserved only for the most severe cases or other corrective actions. Of course it is, in a number of cases, necessary to serve a statutory enforcement notice to ensure that those corrective measures are taken. I answered the Deputy on 8th September and gave him the list which is on the website. There are around about 50 of those notices that have been served over the last 5 years and obviously fewer have gone to prosecutions. I am satisfied that that process is a proportionate one and that will be my answer at the moment.

4.21.1 Deputy M.R. Higgins:

Does the Minister not accept that there is plenty of anecdotal evidence that many developers or builders are delaying, obfuscating, appealing and just generally are not complying with what your department are putting forward to support the law in the Island? In other words, they are ignoring you.

Deputy J.H. Young:

I think one thing I just need to make clear to the Deputy again, there is no department of the planning team anymore. The functions are now absorbed within a regulatory framework. My job as Minister is to take political accountability for that and not be involved in its day-to-day operations because of the appeal responsibilities that I have. So I think there is an issue of resourcing, on which I think I have answered the Deputy, and I directed that the director general in his new target operating model increases the number of staff in that team to increase their capability. I think that is happening. So that will enable us ... the Deputy is normally very keen on people having rights, and I agree with him. That is why if somebody appeals, they are entitled to appeal, it is a legal entitlement and we have to then make sure we are objective in how we go to enforce it. It is not a private police force.