

STATES OF JERSEY



PLANNING AND ENVIRONMENT: DIVISION INTO 2 MINISTERIAL OFFICES (P.114/2008) – COMMENTS

**Presented to the States on 8th September 2008
by the Council of Ministers**

STATES GREFFE

COMMENTS

Deputy Le Claire's proposition suggests the establishment of a separate Ministry for the Environment and gives 2 principal reasons for wanting to do this; firstly to give greater prominence to environmental issues by creating a political champion and secondly to remove the inherent tension of the Minister for Planning and Environment having responsibility for determining planning applications which may require the acceptance of some environmental damage in pursuit of a greater public good.

Whilst it is correct that there are inherent and unavoidable tensions between development – which is deemed necessary for economic and social purposes – and the protection of the environment, splitting the Department would not resolve these. Ultimately, the tensions would still exist and would still need to be reconciled.

The balancing of these tensions and competing priorities is the responsibility of the Minister, who has access to specialist staff, information and resources such as Environmental Impact Assessments.

Splitting the Department would remove the very structures that allow the conflicts and tensions to be resolved. It would simply displace them to another department and create greater separation between staff with planning know-how and staff with environment know-how.

It is important to recognise that, even if the development control function was to be located elsewhere, the Department would still need to manage complex tensions on a daily basis, for example the issuing of licences to discharge effluent into controlled waters.

Planning and development control are environmental functions in their own right. They are the tools used to protect the Island's environment from inappropriate development whilst facilitating necessary development in a manner that minimises harm. The notion of "Planning" as a subset of "Environment" is widely understood in other jurisdictions, including the UK, Scotland, Wales, Eire, Isle of Man and Guernsey, where it is also the convention for "Planning" to sit within "Environment".

P.114/2008 correctly identifies that there are significant practical and legal issues that would need to be addressed if the Department were split. Whilst these are not insurmountable, the potential risks must be understood. In addition, set alongside demands to create additional Ministries – such as Child Protection – it would not be sensible to make such a decision in isolation.

The Council of Ministers, therefore, does not support this Proposition.