

23.11.07

5 The Connétable of St. Brelade of the Minister for the Environment regarding the rejection of the planning application for Les Sablons (OQ.214/2023)

Will the Minister advise whether he has reviewed, or intends to review, the planning application for Les Sablons following the independent planning inspector's report and the decision to reject this application; and if not, why not?

Deputy J. Renouf of St. Brelade (The Minister for the Environment):

The planning application P.2022/0833 for Les Sablons is still a live matter, and so the question of a review is not relevant. Under the law, the developer still has a right of appeal to the Royal Court on a point of law. We are still within that appeal period and, depending on the court's decision, the matter may still require determination in the future so I am unable to comment further.

2.5.1 The Connétable of St. Brelade:

Does the Minister not consider that the existing process is far from satisfactory, not only for the public who end up footing the procedure bill costs, but also for the developer who will have sunk significant sums just getting to the stage extant today?

Deputy J. Renouf:

I do not believe there is any perfect system for judging appeals in the planning process. They all require a degree of judgement. For those who follow sports, we have seen increasing use of technology in adjudicating difficult decisions, from football to tennis to rugby. But there are still controversies and disagreements and things still come down to judgment. We have designed a system in Jersey that has been approved by the States Assembly, and it is currently in force. I certainly consider that there is always room to consider improvements and I would definitely consider that there is the potential to review the system that we have at the moment to consider whether improvements might be made.

[10:15]

I would suggest that that is something that should be approached with great care because there are great complexities in the system and great danger of unintended consequences.

2.5.2 Connétable A.S. Crowcroft of St. Helier:

When I was on the Planning Committee many years ago, we received training, including visits to U.K. (United Kingdom) local authorities entrusted with the important business of determining planning applications. Would the Minister outline what training is given to the members of the Planning Committee and the Assistant Minister for Planning, who took this particular decision following the appeal?

Deputy J. Renouf:

The matter of training for the Planning Committee is not a matter for me. The Planning Committee does not fall under my jurisdiction. In terms of the help that is available for the Minister or Assistant Minister, every appeal decision is supported by an officer. That officer is chosen to make sure that they are not conflicted, they have not been involved in the previous decision-making, and the support is available to the Minister to help them through the process of judging the relevant policies. It is not the job of the supporting officer to advise on what the decision might be.

2.5.3 The Connétable of St. Helier:

The Minister did not answer my question. I did ask whether the Assistant Minister involved in determining this particular appeal had received any training in the important matter of determining planning applications. Could he answer that question, please?

Deputy J. Renouf:

There is no formal training but there is, as I say, advice available to the determining Minister as they require, and that advice is full and comprehensive and gives the ability for the Minister to ask any relevant questions that they feel are necessary, bearing in mind that the eventual decision comes down, as defined in law, to the judgment of the Minister, having taken into account all the relevant considerations.

2.5.4 Deputy G.P. Southern:

As part of the Minister's answer, he said that training was not his responsibility but the responsibility of a non-named other. Could he say who is responsible for training and whether this Assistant Minister received such training?

Deputy J. Renouf:

I just answered a part of that question. The point I made about the Planning Committee training is that it does not fall under the Minister's remit. I believe it falls under the remit of the Judicial Greffe, and therefore the questions would be better directed to the chair of the Planning Committee.

2.5.5 The Connétable of St. Brelade:

Does the Minister consider that better communications could have taken place between his department and the developer to avoid what some might view as a nonsensical situation, which seems just to be a repetition of the former Overdale Hospital proposals, whether one likes them or not.

Deputy J. Renouf:

I think there is on the record considerable contact between the developer and the Planning Department and, indeed, with the Jersey Architecture Commission and other bodies, and that contact was very full. There was a long process that led to the Planning Committee hearing, which led to the proposal being rejected by the Planning Committee on the advice of officers. That is then obviously subject to the appeal that was heard and I think, rather than nonsensical, I would say that any application that goes to appeal is, by definition, a finely-balanced decision and bound to involve arguments on both sides. I would also just like to say that, although I do not want to comment on the content of the decision, I do want to say that in support of the process and Deputy Jeune's role in that, I want to make it absolutely clear that in the case of the appeal, Deputy Jeune acted with complete probity and, in my view, she did her job thoroughly with careful consideration and great diligence, weighing all the relevant factors. She did nothing wrong and she has my full support.