

**WRITTEN QUESTION TO THE MINISTER FOR THE ENVIRONMENT  
BY DEPUTY M.R. SCOTT OF ST. BRELADE  
QUESTION SUBMITTED ON MONDAY 13th FEBRUARY 2023  
ANSWER TO BE TABLED ON MONDAY 20th FEBRUARY 2023**

**Question**

Has the Minister considered that in situations where the Planning Committee has decided to refuse a planning application against officer advice, there is a conflict of interest for the Director of Planning or any senior planning officer to represent the Planning Committee in an appeal against the decision; and if so, will he explain what action he proposes to take to resolve that conflict, and if not, will he explain why?

**Answer**

Senior Planning Officers in the Regulation Directorate, the Head of Development and Land, and the Group Director of Regulation are Chartered planning professionals and adhere to the ethical and professional standards for their various institutions. Most notably, the Royal Town Planning Institute (RTPI) of the UK. The RTPI guidance on the ethical and professional standards is published on its website: [https://www.rtpi.org.uk/media/2836/ethics\\_update\\_2017.pdf](https://www.rtpi.org.uk/media/2836/ethics_update_2017.pdf)

In this document, the RTPI defines a conflict of interest occurs when personal or other interests affect a planner's ability to exercise independent professional judgment, and which can call into question their professional integrity. The RTPI considers that such conflicts may arise at any time and RTPI members should be alert to situations where potential conflicts could occur and declare an interest to their employer as soon as they become aware of one.

The Regulation Directorate of Infrastructure and Environment has a policy and internal process in place for officers to declare when they believe a conflict may arise, with an auditable action thread to remove the conflict – in most circumstances this means passing a piece of work onto another member of staff.

In the ethical and professional standards document, the RTPI specifically addresses the issue of planning professionals dealing with 'Committee Overtums' (on page 12), or specifically addressing the situation where a planning professional is required to defend a decision of a Planning Committee that is contrary to their officer report. This can be a regular occurrence for a planning professional within the context of working for an authority. The ethical and professional advice is for the planner to disclose that they are representing a decision that is a Committee overturn and therefore contrary to their officer recommendation, taking care to avoid giving the impression that the evidence they are presenting is their own professional view. For the avoidance of doubt, acting in defence of the decision and the presentation on behalf of the Government of Jersey and decision maker is an appropriate professional standard.

Although the planner can give technical evidence on behalf of the decision maker, in some cases they may ask the decision maker to speak with conviction of the planning reasons for the decision. In this case, a member of the Planning Committee is asked to attend and speak at an appeal hearing. However, this is not always possible due to availability of the members and, in that instance, the senior planner continues to provide the evidence on behalf of the decision maker.

Planning inspectors will consider all material consideration when re-assessing an application at appeal. The inspector will review the case in totality and come to their own professional judgement when making a recommendation to the Minister.