

**WRITTEN QUESTION TO THE CHAIRMAN OF THE ENVIRONMENT SCRUTINY
PANEL BY DEPUTY G.C.L. BAUDAINS OF ST. CLEMENT
ANSWER TO BE TABLED ON TUESDAY 11th DECEMBER 2012**

Question

Will the Chairman provide details of the Reviews which the Environment Scrutiny Panel have completed this year and of those still in progress, together with their projected completion date?

Would the Chairman also explain whether, given the problems ventilated around the Planning process, the Panel plans to undertake an update of a Review of this issue completed by a previous panel and if not, will he explain why?

Answer

As part of its work programme earlier this year the Environment Scrutiny Panel reviewed the Medium Term Financial Plan in respect of the departments within its remit, i.e. Transport and Technical Services and the Department of the Environment, publishing reports on each department as part of the review carried out by the Corporate Services (MTFP) Sub-Panel.

The Panel has just completed a major review of Ash Disposal; our final report will be presented to the States next week.

The Panel met with the Minister for Health and Social Services, Medical Officer of Health and Head of Health Protection on 28th November 2012 to discuss its forthcoming review of radon, which is planned to be completed by Easter 2013. Scoping has also been prepared for a further review into heritage buildings which is currently expected to begin early in 2013.

In addition to these planned commitments, the Panel has recently been requested by the Department of the Environment to carry out a review of the draft Energy Policy, currently out to public consultation, early in the New Year.

In respect of reported problems with the planning process, the Panel has continued to question the Minister for Planning and Environment on these matters at public hearings throughout the year, most recently only last week (3rd December 2012), when we raised serious questions over the proposed new Police HQ in Green Street and the apparent withdrawal of proposals for the Parkside Village project in Bath Street by Le Masurier Ltd., both matters being discussed at length. The Panel will follow up both of these issues; whether this will be by way of formal review or other methods remains to be decided. The Panel will be meeting Le Masurier Ltd. early in January.

The key area of concern for me in respect of the planning process is the lack of an independent planning appeals system based only on the planning merits. The Panel had previously considered this for review, but the Minister has promised to deliver a report with recommendations for changes to the planning appeals system which is due early in the New Year. The Panel would therefore expect to consider the results of the internal department review before deciding whether Scrutiny may be required.

We have questioned the Minister on several occasions on the important planning policy for Affordable Housing. The Minister has also promised to address this, recently announcing this decision to drop the unworkable Island Plan H3 policy and come up with a more practical solution. We plan to watch this subject closely.

With regard to the suggestion that the Panel should undertake an update of a previous review of planning process, I assume the Deputy is referring to the review of Planning Process (S.R.2/2007) carried out by a previous Environment Scrutiny Panel led by the present Minister, on which I believe the Deputy was lead member.

Since that time the planning world has seen changes:

- a new Minister for Planning and Environment
- a new Chief Executive Officer for the department
- a new Island Plan with major new policies
- third party appeals under the Planning and Building Law
- a prolonged global economic downturn, with significant consequences for the local construction industry

There have also been a number of important procedural and technical changes to the way the department functions, for example long-overdue improvements to the department's I.T. capabilities, heralding the introduction of computerised modelling and public online access to details of planning applications.

There will be much information in the previous Panel's report that could still be of benefit to a future review, but there are other pieces of important research that would also need to be taken into account if the Panel decides to conduct a review into the planning process, or aspects of it. In particular I would draw attention to the independent report 'Development Control Process Improvement Programme' produced for the previous Minister by the Planning Officers Society in 2010.

In conclusion the Panel will continue to closely monitor developments as well as potential concerns about the planning process. Planning is an extremely emotive as well as a complicated subject and at this time it is not clear whether internal measures (referred to above) adopted by the Minister and his department will successfully address some aspects that have clearly been the cause of public and media concern in recent months. The Panel will be reviewing its work programme and membership early in 2013 with this in mind. We will examine the available evidence before deciding whether aspects of the planning process are in need of review, or if a 'root and branch' study may be advisable.