

**WRITTEN QUESTION TO THE MINISTER FOR THE ENVIRONMENT
BY THE CONNÉTABLE OF ST. BRELADE
ANSWER TO BE TABLED ON TUESDAY 21st JANUARY 2020**

Question

Will the Minister outline to members the considerations that he will be taking into account during the application of a public interest test to the determination of a planning application for the development of a new hospital?

Answer

The determination of all planning applications involves a 'public interest test'. This is because the private right to develop land has – since planning legislation took effect in Jersey on 01 April 1965 – been removed and replaced with the requirement to apply for planning permission. In assessing whether to award planning permission decision-makers are required to have regard to the Island Plan and it is this which - having gone through a rigorous process of consultation and scrutiny before being adopted by the States Assembly - provides the policy framework that is developed 'in the best interest of the community' i.e. it represents the public interest.

I believe that the Connétable's question relates specifically to a comment of the Planning Inspector in paragraph 398 of his report on the second planning application for the new Jersey Hospital. In that report, the Inspector recommended refusal of the scheme on several grounds but invited the Minister to consider whether there were public interest benefits which would provide sufficient justification for making a decision which would have been inconsistent with the Island Plan.

Based on the experience of dealing with two previous planning applications for a future hospital, it is possible to identify those wider issues that are of public concern which do not fall to be considered as part of planning decisions but which could represent wider public interest benefits. These considerations may be material to the determination of a future planning application for a new hospital and it is my intention to issue some planning guidance on this matter shortly.

This guidance will set out issues that might need to be considered in order to allow any meaningful assessment of the wider public interest of a future proposal: it is not, however, possible to list all the matters which might constitute a 'public interest benefit' test on a proposal which has not yet been submitted and on a site which has yet to be selected. Others may, therefore, arise and apply that are not identified in my planning guidance.

It is, of course, also possible that a future application will comply with the Island Plan, in which case the need to apply such a broader test would not arise.