

STATES OF JERSEY



REJECTION OF PLANNING APPLICATION RELATING TO RETREAT FARM, LA RUE DE LA FRONTIÈRE, ST. MARY AND RUE DES VARVOTS, ST. LAWRENCE: RESCINDMENT OF MINISTERIAL DECISION

**Lodged au Greffe on 20th August 2018
by Deputy S.M. Wickenden of St. Helier**

STATES GREFFE

PROPOSITION

THE STATES are asked to decide whether they are of opinion –

to request the Minister for the Environment to rescind the Ministerial Decision MD-PE-2018-0060 relating to the planning application in respect of Retreat Farm, La Rue de la Frontière, St. Mary and Rue des Varvots, St. Lawrence (known as Tamba Park), and instead to refer the matter for consideration by the Planning Committee.

DEPUTY S.M. WICKENDEN OF ST. HELIER

REPORT

On 25th July 2018, the Minister for the Environment signed a Ministerial Decision (reference [MD-PE-2018-0060](#)) to refuse the planning applications P/2017/1023 and P/2017/0805, against the recommendations of the independent Planning Inspector who has reviewed the applications at the request of the previous Minister for the Environment under Ministerial Decision reference [MD-PE-2017-0088](#).

The reason I am asking for the Ministerial Decision to be rescinded is due to the wording used in MD-PE-2018-0060 –

*“The Minister has weighed up the benefits and disbenefits of the schemes, and concluded that the scheme does not justify what would be a significant departure from Island Plan Policy, which would also set a **precedent** for the redevelopment of other glasshouse sites and an expectation that these can be replaced with major new development in the countryside.”*

(my emphasis)

As the Minister is aware, “precedent” is not, and should not be, a valid planning consideration.

As the Minister is able to set planning policy, the simple fact that the Ministerial Decision lays out “precedent” in the decision for rejection, the Minister has inadvertently included “precedent” as a future planning consideration.

If we were to allow “precedent” to be a planning consideration, we would find ourselves in a situation whereby any applicant for a future planning application could look through the last 50 years of planning decisions made in Jersey and find multiple examples of similar requests that had previously been approved, and any member of the Public contesting an application could find multiple examples where similar applications had been rejected.

It would make it very hard to review and consider any planning application on its own merits, and the application process would end up being something similar to a court case.

By rescinding the Ministerial Decision, planning applications P/2017/1023 and P/2017/0805 would move from being rejected to being open, and I have also requested that the applications should then be referred to the Planning Committee, who have experience in determining planning applications.

Financial and manpower implications

There are no financial or manpower implications for the States arising from the adoption of this proposition.