

**WRITTEN QUESTION TO THE MINISTER FOR PLANNING AND ENVIRONMENT
BY DEPUTY G.C.L BAUDAINS OF ST. CLEMENT
ANSWER TO BE TABLED ON TUESDAY 18th MARCH 2014**

Question

Would the Minister advise whether he intends lodging the necessary legislation to give the Planning Appeals Panel similar protection to that enjoyed by scrutiny panels and, if so, when?

Answer

For clarification, I believe this question relates to legal protection for Planning Application Panel (PAP) members and indemnity from legal action in relation to decisions taken by the PAP.

It has been confirmed that specific parliamentary privilege was not appropriate for PAP members. All decisions made by the PAP are made in the name of the Minister for Planning and Environment under the Planning and Building (Jersey) Law 2002. Article 19 (7) of the Law relates to the approval and refusal of planning permission and states:

Action taken by the Minister under this Article does not give any person the right to claim compensation in respect of any loss or damage the person may suffer as a result of that action.

I therefore believe that PAP members are already protected.

However, it is this part of the law which could mention the PAP.

This minor amendment to the Planning and Building (Jersey) Law 2002 has been drafted and will be progressed and lodged together with a number of other planned changes to the Law. Unfortunately, these other changes are not currently advancing due to limited resources and other priorities.

I have asked my department to progress this matter as soon as possible, but I am conscious of the priorities I have set within the department and the backlog of law drafting work that now exists within the Law drafting office.