

19th November 2013

3.6 Deputy J.H. Young of the Minister for Planning and Environment regarding the appointment of a Planning Inspector to conduct an inquiry into the review of the Island Plan:

Will the Minister justify appointing an individual as a Planning Inspector to conduct an inquiry into the review of the Island Plan when a request for review has been submitted to the Complaints Panel in respect of a previous inquiry conducted by this person in September 2012, and would he advise when the statutory record of this inquiry which the inspector is required to produce will be available. I should add the Plémont tapes arrived on my desk this morning.

Deputy R.C. Duhamel of St. Saviour (The Minister for Planning and Environment):

There are 2 principal reasons why I think my decision to appoint a particular inspector to carry out the examination of the review of the Island Plan is entirely justified despite the issues raised by the Deputy. The first is that I do not think that there is a case for the inspector to answer. The complaint to the Administrative Review Board to which the Deputy refers concerns my decision to award planning permission for development of 28 homes at the site of the Plémont Bay Holiday Village and it is my decision that would be the subject of any such review. The inspector himself has made no such decision. It is entirely a matter for me in making that decision to determine whether the inspector's report and recommendation was a sound one. I happen to think it was. My decision on Plémont will be tested through the third-party appeal process that is presently in train only after which any Complaints Panel might convene so any action taken now would be wholly unjustified, even were there a case for the inspector to answer which I consider there not to be. My second reason for appointing this inspector is that he was part of the same team that carried out the Island's first Island Plan leading up to the adoption of the 2011 Island Plan, which brings many clear advantages. He, together with the lead inspector, has considerable knowledge of the current Island Plan and the planning issues relevant to it gleaned from their previous work here. This particular inspector also brings a huge wealth of knowledge and experience from his work as an inspector in the U.K. and other islands. I consider all of these factors to be extremely advantageous in ensuring that the examination into the current review of the Island Plan is robust, thorough and also undertaken as economically as possible. Any other inspector would clearly have to start from a much lower knowledge base, which would necessarily incur additional cost. Finally, in response to the last part of the Deputy's question, the inspector caused an electronic recording of the hearings that were held as part of the public inquiry to be made. I am happy to provide a copy of this recording to the Deputy as soon as possible and he has it on his desk.

3.6.1 Deputy J.H. Young:

I thank the Minister for his very comprehensive answer. I ask him would he not accept that part of the complaint that is before the Complaints Panel concerns a lack of transparency (one of the key requirements of an inspection), lack of access to a transcript and the access to put questions upon it and perhaps he would not mind telling us when the inspector produced this transcript and when he decided to release it?

[10:30]

Deputy R.C. Duhamel:

As mentioned earlier, I am not in a position to say that there is a Complaints Panel case for the inspector to answer because of the outline of the procedures that have to take place as identified in my question, so I should not comment as to the nature of any complainant wanting to have a Complaints Panel at this point in time for obvious legal reasons. The decision to pass over this tape was made substantially a long time ago after the questions that Deputy Young raised in the House as to whether or not such a transcript or a C.D. (Compact Disc) or a tape could be made available and indeed from that point, I gave instructions to the department to provide both. Some of the work has taken a while in order to get the information in the format that Deputy Young has wanted but, as with a number of

other issues, when Members ask for things to happen and I give an indication that they are going to happen, then generally that is what happens as soon as possible.

3.6.2 Deputy J.H. Young:

Again I am grateful and the Minister did remind us in his answer that he did say on 15th July in response to an oral question and the A.G. (Attorney General) also advised us on the same day that there was a statutory requirement for the record. Could he perhaps explain why if he decided to release it on that day, which he said he would do, why has it only just arrived? What has happened? Why have the department not done what he has asked or has the inspector not done? It is a material point as to this question of access to a transcript in order to be transparent.

Deputy R.C. Duhamel:

I do not think it is a material point. I am given to understand that in terms of the transcript, it had to be done on the other side of the planet. Apparently a New Zealand firm was involved. In terms of the formatting of the data in a form for the Deputy to be able to read it, I think there was some discussion as to whether or not it should be in a C.D. form, whether it should be on a tape, or whether it should be kind of a long-playing gramophone record but whatever administrative concerns have had to be undertaken, they have been undertaken without influence from me because it is an administrative issue and the officers have endeavoured to get the information to Deputy Young in as short a timeframe as possible and I thank them for it.