

21.07.19

**14 Connétable K. Shenton-Stone of St. Martin of the Minister for the Environment regarding the development of sites for cannabis production: (OQ.179/2021)**

What concerns, if any, have been expressed to the Minister regarding the development of sites for cannabis production and possible non-compliance with planning legislation and what investigation, if any, will he undertake to confirm that the legislation is being adhered to and will he commit to serving stop notices on any such development or planning application in the event that non-compliance is identified?

**Deputy J.H. Young (The Minister for the Environment):**

I can confirm that we have received a lot of emails from some members of the public who have also contacted the team at I.H.E., the development control, expressing their concerns following their interpretation of non-compliance to the planning law and raising questions of planning policies in respect of cannabis-related developments. These include, but they are not limited to, issues about whether a change of use has taken place, issues of law relating to whether the use is agricultural or whether the cannabis use has become industrialised activity, issues to do with physical development in the countryside, which is fences, concrete bases and those sort of operations and then use of glasshouses themselves.

[17:00]

Of course, what action has been taken? Those sites, I think there are 5 we know about currently in the Island, where there are complaints being made and people raise a lot of anxieties in and around site visits. Site visits have been made and reports are being produced as to whether or not there are any breaches. At the present time I am not aware of any which do not comply with the law but if those are identified then there is a power of a stop notice that can be considered. But of course that is a decision that does not rest with the Minister's power. Most of the powers in the planning law are now with the chief officer, and of course at the moment we do not really have a chief officer under the law and that relates to my previous answer to Senator Vallois, something I want to sort out. There are issues which we are doing our best to try and deal with.

**4.14.1 The Connétable of St. Martin:**

The Minister is saying that the Planning Department does not have a chief officer at the moment and the chief officer, if they did have one, holds far greater power than the elected Minister. What would he do to change this?

**Deputy J.H. Young:**

I am very unhappy about it. I think the situation is, is that in years gone by the Planning Committee or then the Minister had most of the powers under their responsibilities. Now the Minister's power is very limited to calling in applications, deciding on and issuing planning guidance; that is it and proposing Island Plans, I suppose. But what I am doing is certainly I am having the options looked at because I think we do have to find a solution to having the right safeguards because, of course, you can get rid of the Minister but I am afraid with a civil servant who has got very, very strong authority, I am afraid I do not think there are enough safeguards in place and I propose to try and do something about that during the remainder of my tenure as Minister.

**The Connétable of St. Martin:**

I think that would be very useful for the whole Island because if anyone was at the Planning Committee meeting on Thursday morning ...

**The Deputy Bailiff:**

I do not think there is facility for commenting on the answers, Constable.

**The Connétable of St. Martin:**

Okay. Could I just say then, does the Minister believe that ...

**The Deputy Bailiff:**

No, you have had your supplementary.

**The Connétable of St. Martin:**

Okay, thank you.