

21.11.23

11 Deputy M.R. Higgins of the Minister for the Environment regarding Northern Leaf and Tamba Park applications (OQ.242/2021):

Will the Minister explain how his department has applied planning legislation to developments relating to Northern Leaf and Tamba Park and advise whether any instances of the legislation not being applied or followed have been identified? If so, will he state how and why those instances occurred?

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

Planning legislation has been applied to this site in the same way as other sites across the Island by the regulatory team, I.H.E. (Infrastructure, Housing and Environment). Where breaches of regulatory control have been identified, work has halted and retrospective planning applications were submitted and determined by the Planning Committee, as is the usual standard. Other development, which is permitted by the Planning and Building (General Development) Order 2011, has allowably continued. That is because under that order they do not need an application. Instances where there has been a misunderstanding or incorrect adherence to planning permission can happen for all sorts of reasons. It is the role of the very small important team of I.H.E. to ensure clients work with the applicants to seek appropriate resolution and the normal approach is by seeking agreement. A service of a notice or court action is a last resort.

4.11.1 Deputy M.R. Higgins:

I find the Minister's answer amazing. He has been to the site and he has seen the glasshouses have been developed and developed in such a way it is not compatible with the agricultural laws, because a glasshouse is not a building. There has been plant and machinery put in them, which is not allowed. They are only allowed in industrial buildings. He has been well aware of this and so has his department. They have had many, many emails on this yet not action has been taken. How can the Minister say that they are inadvertent or that the department has kept the whole thing under control?

Deputy J.H. Young:

The Deputy asks about the site and refers to Tamba Park and Northern Leaf. The department has investigated several complaints relating to various owners of the retreat farm in recent years. During its time as an active tourist attraction the area of former shops and café was used as a children's play zone. When the site was not in active use, the department received complaints relating to the storage of goods in shipping containers, the raising of land levels, the importation and processing of waste building material, the parking of vehicles and the erection of marquees for ice-skating and COVID-19 testing without consent. Most of these matters were resolved with persuasive compliant techniques. However, 3 enforcement notices were served in the autumn of 2020. I am pleased to report and advise these notices have been complied with. Since the site has been brought back into agricultural use for medicinal cannabis production the department has investigated complaints related to unauthorised construction of fencing, an oil tank, a water tank and a boiler room. These more recent matters are the subject of current retrospective planning applications. Yes, I have visited the site. I have seen what the scale of the medicinal cannabis industry is now, which is, of course, very, very different. I have given instructions that 2 officers prepare drafting instructions to amend the General Development Order as appropriate to provide greater clarity, so that where any intended industry in relation to said use does require consent.

Senator S.W. Pallett:

The last few sentences of the last answer have answered the question that I was going to ask about general development orders and whether the Minister was intending to change them. I do not know, he may want to elaborate on it, but I am glad that he is following that route.

4.11.2 The Connétable of St. Martin:

Does the Minister really believe that it is in the Island's interest for retrospective planning permissions for these industrial factory units to be granted? Is it not closing the stable door after the horse has bolted?

Deputy J.H. Young:

The new industry has presented challenges to the planning team as to where there has been ambiguity about the scope of the General Development (Jersey) Order. These elements were identified as being part of the work that has taken place. It was deemed that they step outside the scope of the current exemption. There are other matters that have been done within the exemption. The advice that I just gave, that I want to have the law changed to bring it all within the scope of requirement to make an application, will address that. On the issue of is it enough to just have current retrospective planning applications, my understanding is that practice was introduced as a result of the Attorney General's advice that prior to prosecutions for transgressions then the applicants should be first given the opportunity to regularise that matter through a planning application. That was the advice and that is being currently followed.

4.11.3 Deputy M.R. Higgins:

To be honest, I am appalled by what I have heard from the Minister. It appears that the department is falling over backwards to help these firms to bring in the medicinal cannabis business into the Island. Bearing in mind the department has been already reviewed by the Norfolk Police for various actions. Will the Minister be prepared to refer this particular project and the applications to it to the police to be independently investigated to see whether the officers are acting appropriately or misusing their office?

Deputy J.H. Young:

I know that the Deputy alleges malpractice by the officers. I absolutely refute that allegation. I have sought advice from the law officers on the matters that the Deputy has referred to. As far as I am concerned, there is no evidence. I have no idea about the Norfolk Police issue. It all predates my time. I listened to the Attorney General's answer to the Deputy's first question. What I heard was he said that anybody, any person, can refer any matter to the police at any time. If he is asking me do I have a basis on which to do so; no, Sir, I do not.