

#### **4.2 Deputy R.G. Le Hérissier of the Minister for Planning and Environment regarding the adoption of the recommendations contained within the report by the Internal Task Force:**

Does the Minister accept the recommendation within the report by the Internal Task Force, published as R.81, which he chaired, and if so, when will restrictions on the power of the Minister to call in planning applications be adopted?

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

The Planning Improvement Process Political Steering Group made recommendations over 6 broad issues and I still fundamentally agree with all the recommendations and progress is being made towards making all these changes. In relation to the Minister for Planning and Environment separating his Ministerial role from the planning applications process, I have recently signed a new Ministerial protocol, yesterday, which clearly sets out when the Minister will get involved in planning applications. In future the Minister will only make planning decisions in exceptional circumstances.

#### **4.2.1 Deputy R.G. Le Hérissier:**

Could the Minister define what he means by “exceptional circumstances”?

#### **Deputy R.C. Duhamel:**

Exceptional circumstances will be when anything is going wrong clearly with the delegated decisions and also in particular cases of Island significance, in particular very large regeneration schemes or anything else of that nature.

#### **4.2.2 Deputy R.G. Le Hérissier:**

Could the Minister define what he means “going wrong”? Does he mean, for example, that the Planning Applications Panel is not making the right sort of decision? Secondly, could he confirm that he will discuss any taking on of sole powers with the panel before he moves to take on those powers?

#### **Deputy R.C. Duhamel:**

Quite clearly the legal remit lies with the Minister to make decisions. The responsibility for decisions undertaken by the Planning Applications Panel and indeed the officers still is the overall responsibility of the Minister for Planning and Environment. The Minister for Planning and Environment’s powers therefore must not be completely fettered to slip into a situation, which clearly needs to be determined if things are going wrong. I am not at liberty at this point in time to say what things might go wrong, only to say that I must discharge my duties under the law and will do so.

#### **4.2.3 Deputy J.H. Young:**

Will the Minister retain the power to make a decision whether or not an application is of sufficient substance to require a planning inquiry?

#### **Deputy R.C. Duhamel:**

Not necessarily. The Minister in working with the department officers will determine which applications, which will be the majority, are either undertaken by an officer delegation or indeed by the Planning Applications Panel. As I said earlier, it is a case of determining which items are of Island significance.

#### **4.2.4 Deputy J.H. Young:**

Further supplementary. Will the Minister’s exceptional circumstance include an intervention when the Planning Officers have recommended contrary to the Minister’s own views?

**Deputy R.C. Duhamel:**

Not necessarily.

**4.2.5 Deputy R.G. Le Hérissier:**

Would the Minister confirm that in order to avoid the perception that there was an awful lot of random selection of items under the previous regime, that he will put forward the criteria by which he has chosen to make a sole decision in order that the public are aware it is not being done on a random basis?

**Deputy R.C. Duhamel:**

Certainly, and indeed one of the recommendation of the steering group was to review the scheme of delegation to allow more decisions to be made by officers. A Ministerial Decision again is being made to this effect to suggest that under this new scheme of delegation officers will be delegated decisions to be made if there are 3 or less representations, which are contrary to officer recommendation to speed up the process and lift some of the burden from the Planning Applications Panel.