

**WRITTEN QUESTION TO THE MINISTER FOR PLANNING AND ENVIRONMENT  
BY DEPUTY M.R. HIGGINS OF ST. HELIER  
ANSWER TO BE TABLED ON TUESDAY 11th DECEMBER 2012**

**Question**

Will the Minister set out the importance of consistency in Planning and enforcement decisions and actions taken by his Department and set out what actions, if any, are taken to ensure that there is consistency in both these areas and explain the legal consequences for the Department for failing to do so?

**Answer**

Consistency is important in all administrative decisions because it demonstrates to the public that matters are dealt with fairly and equitably through Government decisions.

Planning and enforcement decisions are, by law, those of the Minister for Planning and Environment. However, most decisions are taken by the officers of the department or indeed, the Planning Applications Panel, through powers delegated to them by the Minister. In respect of the department, all decisions are double-checked by a senior officer before they leave the office. The checking process includes a comparison of other similar decisions to ensure that broad consistency is maintained.

There is a statutory right of appeal for planning and enforcement decisions under the Planning and Building (Jersey) Law 2002. An appeal may only be made to the Royal Court on the ground that the action taken by or on behalf of the Minister was unreasonable having regard to all the circumstances of the case (Article 109(1) of the 2002 Law). The approach taken by the Royal Court in respect of consistency is that the Minister is not bound by previous decisions. This is because although consistency is important, the Minister may adopt a different approach if reasonable.