

**WRITTEN QUESTION TO THE CHAIRMAN OF THE ENVIRONMENT SCRUTINY
PANEL BY DEPUTY G.C.L. BAUDAINS OF ST. CLEMENT
ANSWER TO BE TABLED ON TUESDAY 19th FEBRUARY 2013**

Question

Would the Chairman advise, with regard to any review of planning process his Panel may be undertaking, whether a comprehensive review of Building Control Regulations will be included as well as whether tensions between that and historic requirements can be improved.

Would the Chairman advise whether such a review will be undertaken and, if so, when it is likely to be completed?

Answer

During the last year the Panel has become aware of concerns about the organisation and processes of our Planning Department, including those raised by the Deputy in a letter he sent to us as a member of the Planning Applications Panel. Our Scrutiny hearings have also highlighted major questions concerning the functioning of the Planning department in specific areas, including inter alia historic buildings.

The Panel met with the Chief Minister on 30th January 2013 to discuss these concerns. Part of the discussion concerned the need for a broad-based, independent review of the functioning and performance of the department. These are issues which would normally be outside the remit of Scrutiny. We subsequently confirmed our views in a letter to the Chief Minister on 7th February, to which we await a response.

The Panel believes that a succession of previous reviews of planning (some carried out by Scrutiny) have failed to address serious underlying issues to do with the structures and functioning of the department. The Panel considers that such issues would be better dealt with by means of an independent study commissioned by the Chief Minister, with input from a range of sources including Scrutiny, local architectural and industry groups as well as potential commercial clients and members of the public.

The Panel would still carry out its own reviews of specific aspects of the planning process, such as historic buildings, and our conclusions could be taken into account in the Chief Minister's review. If for some reason the Chief Minister decides not to instigate a wider departmental review then we may have to consider how to progress this ourselves, although given the history Panel members do not think that this would be the best way forward or necessarily bring the desired results.

The Panel's proposed historic buildings review will consider the conflict which arises between building bye-law requirements and historic buildings decisions under Planning law. As part of our review of Radon we will also be reviewing the local building bye-law protection measures. However, we will not be attempting a comprehensive review of all building bye-law requirements as this would be a monumental task, local bye-laws being very substantially those adopted in the UK and EU with adaptations appropriate to the Jersey context.