

2.5 Deputy J.H. Young of the Minister for Planning and Environment regarding the call in of a planning application previously approved by the Planning Applications Panel.

Will the Minister provide the Assembly with an explanation for his decision to call in to a ministerial meeting on 8th March 2013 a planning application which had been previously approved by the Planning Applications Panel on 24th January 2013, thereby overriding the panel's decision?

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

Both the Minister for Planning and Environment and the Planning Applications Panel work to written protocols which are intended to guide the decision making route for any given application. These guidelines have been developed over time with the input of States Members. One of these guidelines states that: "Where the panel wishes to overturn a recommendation of the Planning Department, the matter will be referred to the Minister for review." At that point, the Minister may either (a) make no comment and the intended decision is thereby ratified by the panel; (b) give advice to the panel for reconsideration of the item by the panel; or (c) call in the application for his own determination. In the example referred to by the Deputy, the panel was of a mind to approve an application in the green zone for 4 dwellings contrary to the recommendation of the department. As the Minister with political responsibility for the execution of the Island Plan policy, I considered that this application required my review. I am in the process of doing so and will issue a decision in due course.

2.5.1 Deputy J.H. Young:

Would the Minister also confirm that this particular matter involved a replacement of a redundant and worn out agricultural building, which his department had disallowed over many decades for employment use, and that the department submission was that this should be put back into employment use? Will he confirm that that was the nature of the issue in this matter?

Deputy R.C. Duhamel:

Quite evidently because the site does include the replacement of an unused agricultural shed in poor condition. Some of those considerations were obviously looked at. I think it is unfair for the Deputy to ask me to explain anything further when we have a live application.

2.5.2 Senator L.J. Farnham:

Purely out of interest, I wonder if the Minister could share with the Assembly on how many occasions he has followed this course of action to call in an application for himself to consider? Hopefully it is not many.

Deputy R.C. Duhamel:

I do not have the exact figure at my fingertips but it is relatively rare for the Minister to follow this process. That said, the protocol is very, very clear, that if the applications panel are straying from the Island Plan in a serious way, then, as the Minister responsible overall for decisions taken on planning issues, I do have the power to call the item in.

2.5.3 Deputy J.H. Young:

I raised the issue of the agricultural building because the Minister obviously brought in the issue of green zone. My question will concern procedure. Does he not consider that the protocol that he has explained to the Assembly effectively provides a veto of decisions of the planning panel and undermines the role of the panel and its working together in providing consistency?

Deputy R.C. Duhamel:

No, absolutely not, and that is why I took time to read out fairly slowly the protocol. It is very, very clear and I do not intend to re-read it again but I am happy to give Deputy Young a further copy and an advice session of what the protocol implies. It is not a veto. The power resides with

the Minister. The power is delegated either to the officers or to the Planning Applications Panel in certain circumstances. If those certain circumstances arise whereby the panel or the officers are making decisions that are outside of the Island Plan, then quite clearly it is the Minister's neck on the chopping block and I have to be responsible.