

2019.01.29

**10 Deputy K.G. Pamplin of the Minister for Infrastructure regarding the rejection of the Future Hospital planning application: [OQ.22/2019]**

Following the decision of the Minister for the Environment to reject the Future Hospital planning application, will the Minister advise whether he plans to appeal that decision?

**Deputy K.C. Lewis (The Minister for Infrastructure):**

The short answer is no.

**The Deputy Bailiff:**

Minister, if you could ... I am not sure we are quorate. Yes, we are not quorate. Could I ask any Members in the Members' Room to come in? We need one more, I think. Could you call the roll please? We will use the electronic voting system. If the people present would indicate by pressing the electronic vote.

Senator J.A.N. Le Fondré
Senator S.Y. Mézec
Connétable of St. Helier
Connétable of St. Clement
Connétable of St. Saviour
Connétable of St. Brelade
Connétable of St. Ouen
Deputy G.P. Southern (H)
Deputy of Grouville
Deputy K.C. Lewis (S)
Deputy M. Tadier (B)
Deputy M.R. Higgins (H)
Deputy J.M. Maçon (S)
Deputy S.J. Pinel (C)
Deputy of St. Ouen
Deputy R. Labey (H)
Deputy S.M. Wickenden (H)
Deputy of St. Mary
Deputy G.J. Truscott (B)
Deputy L.B.E. Ash (C)
Deputy of St. John
Deputy S.M. Ahier (H)
Deputy R.J. Ward (H)
Deputy C.S. Alves (H)
Deputy K.G. Pamplin (S)

We are well quorate now. Minister, if you would like to give your answer to the question asked by Deputy Pamplin.

**Deputy K.C. Lewis:**

May I remind Members, through the Chair, we are discussing the new hospital question. The short answer is no.

[11:00]

The recently refused planning application PP/2018/0507 for the new hospital was determined in accordance with Article 12 of the Planning and Building (Jersey) Law 2002, which relates

to public inquiries. The Article does not provide an opportunity to bring an appeal even if I was minded to do so.

**3.10.1 Deputy K.G. Pamplin:**

I thank the Minister for his answer and others for joining us. Minister, are you aware, may I ask, through the Chair, if there are any other plans to put forward an appeal against the Minister's decision from other areas that he is aware of?

**Deputy K.C. Lewis:**

To the best of my knowledge, and I will of course be guided by you, Sir, the public inquiry that was held is innocent of the appeal. So there is no appeal. I can read the items of the law, which I have here: "A person aggrieved by a determination by the Minister under this Article may appeal against the determination to the Royal Court only on a point of law and, for the avoidance of doubt, no appeal arises under part 7." Part 7 of the law relates to the appeals against decisions that can be made for planning applications that are not considered by way of a public inquiry, so there is no appeal.

**3.10.2 Deputy R. Labey of St. Helier:**

Yes, there is an appeal mechanism but it has to be through the Royal Court on a point of law. Would the Minister agree with me that one government department taking an expensive action against another government department in the Royal Court is not a satisfactory use of public money?

**Deputy K.C. Lewis:**

Yes, absolutely but there can only be an appeal on a point of law and the law has been followed to the letter.

**The Deputy Bailiff:**

Final supplementary, Deputy Labey? No, very well.