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**9 Deputy K.G. Pamplin of the Minister for the Environment regarding a mechanism to address the requirements of the Island Plan that would allow a new hospital to be built on a prospective site: [OQ.37/2019]**

Given a number of sites could physically accommodate a new hospital, albeit they would each come with their own considerations in respect of the environmental impact, is it the Minister's assessment that a mechanism will need to be found to allow for construction to proceed on any such site, despite what is contained in the Island Plan, and if so, how can that be achieved?

**Deputy J.H. Young (The Minister for the Environment):**

I thank the Deputy for his question, a matter that we spoke about at length in the recent Scrutiny hearing. The Planning and Building Law adopts a plan-led system, whereby development which is in accordance with the Island Plan will be permitted, and a mechanism already exists to allow the decision-maker - whoever they are - to depart from the provisions of the Island Plan if there is "sufficient justification to do so". Ultimately what constitutes sufficient justification is not defined, but I absolutely agree that providing a much-needed new hospital could provide such a public interest justification. As Minister, recently I had to make that difficult judgment, whether to override the planning arm and the contraventions reported by the planning inspector under the present law or otherwise. Now, I considered whether a change in the law would provide an improved process, such as bringing in a special law, like Queen's Valley, or a fast-track amendment to the Island Plan for major public infrastructure, but on advice and a lot of thought, these changes would not improve upon the present process, nor speed it up. Where I am on this at the moment is I am of the opinion that achieving a much-needed new hospital as soon as possible will be helped or enabled by our adopting an open and transparent process of public and stakeholder engagement before the next planning application is lodged on whatever site is decided, as is routine for such projects in other jurisdictions.

**3.9.1 Deputy K.G. Pamplin:**

I thank the Deputy for his answer. Will the Deputy elaborate on the impact of the environmental ecological studies that are needed in such a plan of this size and his importance of them?

**The Bailiff:**

The question is about mechanisms for getting around the Island Plan and I am not sure that that supplementary really is related to the question, unless you can reformulate it to draw it to the question, which is about mechanisms, process and the environmental impact.

[11:00]

**Deputy K.G. Pamplin:**

No, I totally take your point. I was just rewording it in my head as you were speaking. If he can answer it in relation to the question then of the Island Plan and the law that it applies, of the impact of the Island Plan with the decision-making, about how important the environmental considerations are in his decision-making.

**Deputy J.H. Young:**

Yes, as part of the suite of legislation in the Planning and Building Law, we do have a subordinate legislation on the requirement for an environmental impact assessment to be carried out and produced by the applicant as part of the application. The scope of that environmental impact is

dependent upon the characteristics of the site. In some circumstances it would be ecological impact, as the Deputy referred to, but in other cases it would be the impact on traffic, on general pollution levels and so on. What we do not have in Jersey that other jurisdictions have is a very much more sophisticated subordinate legislation defining in greater detail on what the content of an environmental impact is required, but there is no question, what we do have is a requirement for an environmental impact assessment on a project of this size. I forget what the threshold is of size, but this project clearly does require it. I think that will be so under any procedure. What I was addressing in my answer was how we could get to the answer quicker. I personally would not be convinced that the answer is in shortcutting the process at the planning application stage. I think myself - my experience has always been - the more attention is paid to that pre-application to get it right, the more the process downstream of the application and its approval goes smoothly, because you save the time there. Those are my thoughts, but I am open to views of others. I have said this is my current thinking.