

21.07.19

**2 Senator T.A. Vallois of the Minister for the Environment regarding Planning Inspectors: (OQ.162/2021)**

With reference to the Planning and Building (Island Plan) (Amendment) (Jersey) Order 2020 to allow Government-employed planning inspectors to consider Examinations in Public, will the Minister advise whether this will only take effect in relation to the Island Plan and whether he intends to change or repeal this Order in due course; and, if this is the case, when does he anticipate doing this?

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

I thank the Senator for her question. The short answer to the question is yes.

[15:00]

The change that I made to the Planning and Building (Island Plan) Order 2009 in February last year allows those inspectors who are currently, or those who have been employed by the tribunal service dealing with planning appeals, and they are required to be appointed as States employees to be able to act as inspectors for an Island Plan review. Of course it is my intention to change that part of the primary law, the Planning and Building Law, which requires inspectors to be appointed as States employees in order that they may be engaged as independent contractors. My intention is to lodge this for consideration by December; the current timetable is September. I am grateful for the question. My Written Answer 347 gives more details on the legal provisions.

**4.2.1 Senator T.A. Vallois:**

I thank the Minister for his answer. I have had a number of members of the public contact me with regards to this. What assurance can the Minister give that this Order will not apply to the hospital planning application, and give the reasons as to why the Order was put in place the first time considering the answer to the written question.

**Deputy J.H. Young:**

I will perhaps deal with the second part of the question first, if I may. The Order amendment was done at the time when we were right in the middle of COVID; the second wave was still in the middle of COVID of course, which we did not expect. We were having to assess where we would get inspectors from to do the Island Plan review. As it has turned out, of course, that we had managed to secure an independent firm with 3 independent inspectors so therefore that was not necessary. But what we were worried about was precluding those people that have been inspectors who have done work for the tribunal service, the Judicial Greffe, who are absolutely independent but, under the law, had to be appointed as States employees. Of course they do have a lot of special knowledge and knowledge of Jersey's planning rules and so on, and that is why that change was made. What assurance about the hospital? This is really important. It depends when of course the planning inquiry for the hospital happens and the planning decision for the hospital. I can deal with the question of if it is done during my period in office, and there is real uncertainty about that at the moment, but I will absolutely make sure there is scrupulous independence on there and there is no conflict allowed. At the moment I have asked the Planning officers to talk to those inspectors that we recognise have the greatest experience. I may as well be open about this, I have asked them to talk to the inspector who dealt with the last 2 planning applications for the hospital, and therefore knows the full background best, whether he would be prepared to consider an appointment for this one.

**The Greffier of the States (in the Chair):**

No other Member has expressed a wish to ask a question so, Senator Vallois, I think you have the final supplementary.

**4.2.2 Senator T.A. Vallois:**

I thank the Minister for his answers. I would like to ask the Minister to confirm if he feels that there may be any issues with regards to conflicts that there may need to be further changes to the legislation and that we should not be relying on just an individual in post.

**Deputy J.H. Young:**

I would be again open and honest. My answer so far has dealt with the issue about planning inspectors and what the law requires and the issue of their independence. But there are, I believe, other parts of the planning law where there are real conflicts of interest in place, and they are giving everybody a lot of problems to ensure the integrity of the planning process is maintained. I have no reason to believe that anything is going wrong in practice but, in terms of challenges for the future, I want to be sure that we can demonstrate that beyond any doubt in the future. The issues are completely inherent, as the Senator knows, in the structure of the target operating model that created this monster called I.H.E. (Infrastructure, Housing and Environment) that I think is a fundamentally flawed arrangement and needs to be changed. I have told the acting chief executive that, and I am expecting it to be changed.

**The Greffier of the States (in the Chair):**

Members will see in the chat the Deputy of St. Martin asking whether he can have his question, which is number 4, asked next because he has a medical appointment. I am going to assume the Assembly will be content with that proposal.