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# STATES OF JERSEY



## **CODE OF CONDUCT FOR THE MINISTER FOR PLANNING AND ENVIRONMENT IN THE DETERMINATION OF PLANNING APPLICATIONS AND PRE-APPLICATION ADVICE**

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**Presented to the States on 12th December 2011  
by the Minister for Planning and Environment**

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**STATES GREFFE**

**CODE OF CONDUCT FOR THE MINISTER FOR PLANNING AND  
ENVIRONMENT IN THE DETERMINATION OF PLANNING  
APPLICATIONS AND PRE-APPLICATION ADVICE**

**December 2011**

**1. Application determination**

1.1 The Minister will only become involved in determining applications for planning permission or any other application that requires consent in exceptional circumstances. The exceptions are likely to include –

- proposals of Island-wide significance;
- proposals where there is published ministerial guidance or recorded pre-application advice for major proposals.

1.2 In all cases when the Minister does become involved in determining applications for planning permission or any other consent the reasons for the intervention will be publicly recorded, and any proposed call-in will be discussed with the officers prior to the Minister using reserve call-in powers.

1.3 All applications determined by the Minister will be determined by way of a Public Inquiry or Ministerial Hearing. The Minister at a Ministerial Hearing will allow a full explanation of all material considerations to be given by the presenting officer, followed by a full audible debate to assist all those present to see how material considerations are being balanced.

1.4 Full reasons for a decision which address all the material issues raised during consideration of the application should normally be given in writing, after the Hearing, as part of the public record of the decision.

**2. Pre-application role**

2.1 The Minister will only become involved in pre-application discussions in exceptional cases. These will include proposals of Island-wide significance and major proposals where there is published ministerial guidance unless requested to become involved by officers. All pre-applications with Ministerial involvement should, in every case –

- be with officers present;
- be by appointment to allow time for preparation;
- be with ministerial guidance, officer note of advice and/or conclusions sent to proposer and recorded on file;
- avoid lobbying and explain the Minister will not be able to determine an application on which lobbying has occurred;

- include a statement in the note of the pre-application discussion that the Minister has not made or pre-empted any decision on the application;
  - include a statement in the Hearing Report of the Minister's recorded pre-application advice or guidance and that the Minister has not pre-determined him or herself on the application.
- 2.2 If either of the last 2 bullet points cannot be included, then the Minister is conflicted and should not determine the application.
- 2.3 The Minister should pass requests for advice or representations on other proposals to the case officer without comment.
- 2.4 If the Minister is involved in pre-application discussion and guidance for a proposal of Island-wide significance, the Minister will publish guidance and make it publicly available as soon as possible thereafter, following planning forums or other inclusive public consultation.
- 2.5 If pre-application discussions or guidance are offered on lesser applications at the request of officers, the officers will record that advice and ensure it is publicly available when any ensuing application is submitted, and incorporated in the officer report to a Planning Applications Panel or Ministerial Hearing.

### **3. Potential interests and pre-application and application stages**

- 3.1 If there is a direct or indirect financial interest or a prejudicial interest, or where the Minister has been lobbied, or has been subject to personal approaches or personal interests that s/he would not be comfortable disclosing, the Minister should regard him/herself as conflicted on receipt of the application and not determine the application, to ensure that public misconceptions of undue influence do not arise.
- 3.2 If the Minister is conflicted the Planning Applications Panel (PAP) or Assistant Minister, subject to PAP Code of Conduct, will be responsible for determining the decision.