

5.2 Senator F.E. Cohen (The Minister for Planning and Environment):

At the last sitting I responded to an oral question from the Connétable of Grouville in the Assembly on 14th February 2006 regarding the applications for masts and antennas submitted by Cable and Wireless. I have now become aware of a legal opinion given to the department with regard to another matter in 2004 and in consequence I feel that further clarification would benefit Members. I stated that endorsement by owners is not required to validate an application and its inclusion on application forms has developed through custom and practice. This is factually correct and has been the subject of legal advice to the department in the past. It is not a legal requirement that an owner's signature be obtained on an application form. Following the widely reported case regarding the application by the company for St. Saviour's Church made without the agreement of the land owner, the company freely gave an undertaking that it would provide owner's endorsement each application or in the absence of such agreement withdraw it. I referred to that in my Answer. I should like to stress, however, that this was an undertaking by the company and not a departmental or legal requirement. I have to say that save perhaps in the most exceptional circumstances I consider it curious that a third party can make an application for another's property without that person's agreement. I said in my Answer that I have now issued instructions that in the case of all future applications owner's consent would be required. I stand by this intention but I should advise the Assembly that it would necessitate a change in the law to make it a legal requirement. That is something I shall be giving consideration to in the very near future.