

General Information	
Ministerial Decision Type	Deciding of: an Appeal/Case/Application/Public Inquiry
Report Title	Appeal Decision: P/2022/1698 (Tiree, Longfield Avenue, La Route des Genets, St. Brelade)
Minister	Infrastructure
Signatory	Minister
Lead Department	Cabinet Office
Lead Directorate	Housing, Environment and Placemaking
Ministerial Decision Summary: Public or Absolutely/Qualified Exempt	Public Select if more than one Absolutely/Qualified Exemption.
Date decision made if different to date 'Ministerial Decision Summary' signed.	Select date.
Report and Supplemental Report Details	
Report Author	Principal Policy Planner
Date of Report	23/04/2024
Supplementary Report Title <i>(If applicable)</i>	Inspector's Report: Tiree, Longfield Avenue, La Route des Genets, St. Brelade
Supplementary Report Author <i>(If applicable)</i>	Sue Bell MSc., BSc, FCIEEM, CECOL, CWEM
Date of Supplementary Report <i>(If applicable)</i>	11/03/2024 Select Date of Supplemental Report.
Ministerial Decision Report: Public or Absolutely/Qualified Exempt	Public Select if more than one Absolutely/Qualified Exemption.
Relevant Case/Application/URN <i>(Only complete if making a decision related to an appeal/case/application)</i>	P/2022/1698
Relevant Proposition Number <i>(Only complete if presenting Comments or if lodging an Amendment)</i>	Insert P. number.
Relevant Scrutiny Report <i>(Only complete if presenting a ministerial response)</i>	Insert S.R. number.
Associated Law(s) and/or Subordinate Legislation	Articles 108 - 111 of the Planning and Building (Jersey) Law 2002
Action required if recommendation agreed	Department to take necessary action.

Resource Implications	There are no new financial and/or manpower implications.
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Introduction

Following an appeal against the approval of planning permission, reference P/2022/1698, Sue Bell was appointed as the Independent Planning Inspector to consider the appeal and all statements and other plans and documents associated with the appeal.

The Inspector visited the site and surroundings and held a hearing before preparing and submitting a report for the Minister's consideration.

The Minister for the Environment and the Assistant Minister for the Environment are conflicted in relation to planning application P/2022/1698 and are unable and unavailable to determine the associated appeal.

It is the Planning Committee's decision that is being appealed. Given that the Minister for the Environment was a member of the Committee when the decision was taken for the application, it is considered that he is conflicted in relation to determining the appeal. As the planning application site is in the Parish of St. Brelade, the Assistant Minister for the Environment, the Connétable of St. Brelade, is similarly conflicted as it would be inappropriate for the Assistant Minister to determine appeals in the parish of which they are also Connétable.

Both the Minister for the Environment and the Assistant Minister have recused themselves from determining these appeals, for the aforesaid reasons, which means that the Minister for the Environment and Assistant Minister are unable and unavailable to make a determination on the appeals.

Article 27(2) of the States of Jersey Law 2005 ("the Law") states –

(2) The Chief Minister may, during the temporary absence or incapacity of a Minister or a vacancy in the office of Minister –

(a) personally discharge the functions of that Minister; or

(b) designate another Minister to discharge the functions of that Minister.

Article 27(2) is taken to apply in these circumstances, given that both the Minister for the Environment and the Assistant Minister are unable and unavailable to take a decision in respect of determining the appeal.

In accordance with Article 27(2)(b) of the Law, the Chief Minister has decided to designate another Minister, this being the Minister for Infrastructure, to make a decision on the appeal in respect of planning application P/2022/1698.

The Minister has given full consideration to the appeal papers, Island Plan policies, supplementary planning guidance and the Inspector's report.

Having considered all aspects of the appeal the Minister decided to give full effect to the Inspector's recommendation, including the suggested conditions.

Recommendation

To allow the appeal in line with the Planning Inspector's recommendation, and to grant planning permission, reference P/2022/1698 subject to conditions as specified in the accompanying Schedule of Conditions.

