

P.2022/0388 "Les Sablons" Planning Application - Designation of Minister to determine the appeal

Background

On 19th October 2023, the Assistant Minister for the Environment (Deputy H. Jeune) made a decision on the appeal on planning application P.2022/0388. The application was rejected on appeal by the Assistant Minister.

On 5th December 2023, the decision on the appeal of planning application P.2022/0388 was remitted to the Minister for the Environment in accordance with a Consent Order agreed by both parties (those parties being "LMN Jersey Investments Limited" and "The Minister for the Environment").

Through the Consent Order, the Royal Court quashed the decision of the Assistant Minister for the Environment in whole and remitted it to be taken by the respondent (in this case the Minister for the Environment, who due to a conflict had delegated the appeal decision to the Assistant Minister).

The Minister for the Environment remains conflicted in respect of this planning application. The Assistant Minister for the Environment (Deputy Jeune) has recused herself from further involvement in the determination of P.2022/0388 (this was formally confirmed to the Deputy Chief Minister and the Chief Minister on 22nd December 2023). This means that neither the Minister for the Environment, nor the Assistant Minister for the Environment, are available to make the determination on the remitted appeal.

Article 27(2) of the States of Jersey Law 2005 ("the 2005 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 and the Assistant Minister for the Environment are unable and/or unavailable to take a decision in respect of determining the remitted appeal.

On 23rd October 2023, the Chief Minister made public comments regarding the appeal decision made by the Assistant Minister for the Environment in respect of P.2022/0388. Accordingly, the Chief Minister recognises a subsequent conflict (from 23rd October 2023) in respect of her involvement with this planning application.

The Chief Minister is currently out of the Island and temporarily absent. Accordingly, the Deputy Chief Minister is discharging the functions of the Chief Minister in accordance with Article 27(1)(a) of the 2005 Law.

Designation of Minister to determine the appeal

In the temporary absence of the Chief Minister, Deputy Kirsten Morel, acting in his capacity as Deputy Chief Minister, and in accordance with Article 27(1)(a) and Article 27(2)(b) of the States of Jersey Law 2005, 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.2022/0388, following its remittance by the Royal Court to the Minister for the Environment.

Private Secretary to the Chief Minister

28th December 2023