STATES OF JERSEY

STATES OF JERSEY COMPLAINTS BOARD FINDINGS (R.101/2025): MINISTERIAL RESPONSE

Presented to the States on 2nd September 2025
by the Minister for the Environment

STATES GREFFE

REPORT

This response relates to the States of Jersey Complaints Board report, hearing held on 2nd May 2025 for complaint by Ms. X against the Minister for the Environment and the Infrastructure and Environment Department regarding their response to a complaint and subsequent investigations conducted, reviewed under the Administrative Decisions (Review) (Jersey) Law 1982.

1.0 Findings of the Board and Ministerial Response

Finding 5.1 The Board considered the ability for the Chief Officer of the department to be part of a Stage 3 review into the conduct of staff concerned given they were ultimately responsible for said staff. However the board found that no conflict was found in this instance and rejected the suggestion that the Chief Officer was conflicted.

Response to 5.1 It is standard practice that Chief Officers review Stage 3 complaints within their own departments, and only in exceptional circumstances may defer that review to another Chief Officer. This process is published within the Customer Feedback Policy and available online at gov.je

Finding 5.2 The Board recommended that in future, when any complaints reached Stage 3 across Government there should be a declaration of any conflict of interests and if there was an overriding conflict of interest, it was expected the matter would be referred to an independent third party.

Response to 5.2 The Customer Feedback Policy is overseen by the Employment Social Security and Housing (ESSH) Department. As part of this policy, annual reviews are undertaken to ensure its effectiveness in responding to and resolving complaints, and to identify and correct deficiencies in the operation of the system or services. The ESSH department will include the Board's suggestion into their annual review.

Finding 5.3 The Board found a lack of consistency in redaction process and questioned why there was not a standardised approach, recommended that a redaction policy should be published.

Response to 5.3 The minutes of the hearing reflect that this had not been raised prior to the hearing, so there had not been an opportunity to consider if there had been an inconsistency of redaction. The department has a standardised approach and policy published on the planning register 'What we will and won't publish', which has been in place since 2012. When pressed on the matter of the possibility of inconsistent approach, it was suggested that there could be individual interpretations given redaction are completed by a team of people, but that any inconsistencies would be reviewed, if they were raised through the appropriate channels, such as the Customer Feedback Policy. The Board had no evidence of a lack of inconsistency of redaction or a lack of published policy. There was merely a suggestion and a question of possibility.

Finding 5.4 The Board found there were limited powers under the law, that the department could only react to a breach and could not instigate action, and recommended there were mechanisms in the law missing such as standard operating procedures and consistency of approach.

Response to 5.4 This is a misunderstanding of the law, and not a line of questioning in the hearing. The Minister is legally justified to issue an abatement notice where the Minister is satisfied that a statutory nuisance exists, irrespective of whether there is a complainant or not. The department usually finds alleged nuisances through receiving complaints, however the Minister has a duty to act under the law where a nuisance is evidenced.

In simple terms the Minister must:

- Determine that a statutory nuisance exists (or is likely to occur or recur)
- Have sufficient evidence to make that determination
- Issue the notice (with steps tailored to the situation as appropriate)

It is important to understand that there is not a standalone offence under that law. An offence is only committed where an abatement notice has not been complied with. Being served an abatement notice is not an offence.

Standard Operating Procedures (SOPs) are usually produced to provide a consistency of approach in practice and are not normally legally defined. The department has SOPs but were not asked to produce or evidence them, and the officers clearly outlined the professional consistent approach applied through the Chartered Institute of Environmental Health, guidance issued to UK Local Authorities from the Department for the Environment, Food and Rural Affairs and Institute of Air Quality Management: Guidance on the assessment of odour for planning.

Finding 5.5 The Board considered that the burden of proof for odour was set outside reasonable levels, and that Environmental Impact Assessments were required for other growers, but because this company developed incrementally, the condition had not been applied.

Response to 5.5 This is an incorrect understanding of the establishment of the business and the triggers for submitting Environmental Impact Assessments (EIA), which was explained at the hearing and detailed in the submissions. The business was established lawfully under permitted development rights and at the time of establishment, there was no requirement under planning law for them to submit an EIA. Other growers who have established after the law changed, are required to submit an EIA with their applications. This is not an inconsistent application of law, the law changed in between this business being established and other farms on the Island setting up for the production of cannabis, resulting in a difference of requirements under law. It was not as a result of the alleged incremental development.

Finding 5.6 The Board found the lack of urgency questionable, struggled with the department's explanation on the thresholds for odour, and felt that accumulation of residue on windows could have provided a more tangible test. The Board felt that the testimonies of residents stating that odour was a nuisance and their health impacts was sufficient evidence for the department to act. The board felt the Clapham Omnibus test was poorly judged as Jersey was not the same as London and other considerations should have been applied such as the rural setting. It was noted no submission in support of smell were received.

Response to 5.6 The action taken in respect of odour was to investigate whether or not there was a statutory nuisance. The outcome of that investigation was that the Minister was not satisfied that “a statutory nuisance exists or is likely to occur or recur”. Therefore, there has been a purposeful decision made not to act on odour, rather than a delay in decision making or lack of action. The thresholds of odour being a statutory nuisance had not been met, through objective officer assessment, which means that there was not enough evidence from officer observations that the level of odour was prejudicial to health. The officers involved in the investigation are not lay persons. They are officers who are qualified with the experience and expertise in the evidential requirements for investigating alleged statutory nuisances.

Accumulations or deposits would need to be evidenced on both the business’ property and the neighbours’ to establish evidence of the deposits leaving one premise and accumulating on the other. Further, officers would need to be alerted to when deposits had formed in order to assess and sample. To date, no officer has witnessed any residue deposits nor been called to attend site for residue deposits. However, we remain open to assessing this if material circumstances change.

McQuire v. Western Morning News Co. [1903] is a landmark English defamation case that is notable for introducing the phrase "the man on the Clapham omnibus" into legal parlance, a metaphor for the hypothetical reasonable person used to assess conduct in law.

Case Summary
Facts: The case involved a libel claim brought by T.C. McQuire, a playwright, against the Western Morning News newspaper. The paper had published a harsh review of McQuire’s musical play, describing it as “a three-act musical absurdity… composed of nothing but nonsense of a not very humorous character, whilst the music is far from attractive”.
Legal Issue: The central question was whether the published review constituted defamation or was protected as fair comment, a defence in defamation law that allows for critical opinions on matters of public interest, provided they are not malicious and are based on true facts.
Judgment: The court held that the review was fair comment, emphasizing that critics must be free to express opinions, even harsh ones, on artistic works. Importantly, the judgment clarified that the standard of fairness should not be based on what an ordinary person (i.e., “the man on the Clapham omnibus”) might think is a correct appreciation of the work.
Legal Significance
Introduction of the "Reasonable Person" Standard: Sir Richard Henn Collins MR used the phrase “the man on the Clapham omnibus” to describe the ordinary reasonable person. This metaphor has since become a cornerstone in English law.

The Clapham Omnibus reference is a phrase used to describe the principle of a hypothetical reasonable person. This was not used as a specific reference to place or context. The principle can also be described as an average / reasonable person test, how someone who is objective and not overly sensitive to the situation would react to the issue. It’s a phrase used to describe that when judging nuisance, tolerance levels must be considered in the medium range, which is where objectivity lies. This average person test is the ‘objective test of reasonableness’ and is not based on an individual’s responsiveness to a particular occurrence. Therefore, a person with a particularly sensitive olfactory or auditory response is not given any higher standard of protection than a person with ‘normal’ response.

There is, however, a consideration of context which the Board drew reference to. A reasonable persons’ response to odour will depend on the context. For example, it would be reasonable to assume that someone living in an urban area would be subject to a background level of odour akin to that locational context. The Board highlights this is a rural setting; however, the countryside is not devoid of odour. Agricultural odour, which can be at times strong and unpleasant, is an expectation in rural settings. Likewise, as Jersey has established a market for medical cannabis growing, there is now a reasonable expectation that rural settings will have a degree of cannabis odour. The degree to which this is reasonable is the threshold test. The judgement of reasonableness is the objective assessment by qualified officers, and ultimately the Minister and Courts.

The term “prejudicial to health” means injurious, or likely to cause injury, to health, under Article 1 of the Statutory Nuisance (Jersey) Law 1999. The determination of prejudicial to health is not based solely on the testimonies of complainants. It is determination of the expertise of Environmental Health Practitioners in evaluating the likelihood of injury to health. There must be an underlying threat to health from disease. Disease in this context is not a reference to infection, but the legal connotations of the word referring to the “absence of health” and must demonstrate a tangible impact onto health. There is persuasive case law precedent from the UK that supports these principles. Whilst not binding in Jersey, these cases involve the sound application of the appropriate principles.

The cases determined that the ‘prejudicial to health’ test is an objective one, being the effect on the health of an ordinary person that matters, not the health of particular occupants, and this is judged by qualified Environmental Health Practitioners.

The qualified Environmental Health Practitioners within the Directorate have made multiple assessments and regularly monitored the site and determined that the levels of odour witnessed were not of a degree that would be prejudicial to health, therefore, made the decision that a statutory nuisance is not occurring. The decision was made not to serve a notice, meaning, a decision not to act.

Finding 5.7 The Board concurred with the complainant that the department supplied misinformation and failed to provide information, because of an FOI request in 2023, and that extensions to enforcement deadlines gave the impression that the department had prioritised the company’s interests over the residents.

Response to 5.7 The department was not offered the opportunity to comment on the allegation that the Consolidated Report, issued monthly and then quarterly, contained incorrect information. Supplying misinformation is a serious allegation which is not supported by evidence before the Board. The department refutes the allegation of misinformation and stands by its published report as factually true and accurate. No evidence was supplied that countered or proved any inaccuracies in the report.

The submission of an FOI in 2023 does not evidence that the department has failed to provide information in a timely fashion in the past 3 years. The Board failed to acknowledge that since August 2023, residents have been supplied with extensive information on every concern raised, contained within a Consolidated Report which runs to over 100 pages. There has not been another case or situation where the department provides such extensive information publicly in order to, in good faith, supply neighbours with the information they request.

The allegations that the department prioritises company interests over the public runs to professional ethics and such allegations are strongly refuted. The Board had no evidence to substantiate such claims, except in their own words, an *impression* caused by *perceived* delays. All officers are members of professional institutes and bodies that abide by Codes of Conduct and they strictly uphold the values and conduct required of them by these professional standards. Members of the Chartered Institute of Environmental Health (CIEH) comply with the Code of ethics for members and fitness to practice rules. They work to the CIEH Professional Standards Framework. All public servants also adhere to the Standards in Public Service.

Finding 5.8 The Board found that odour monitoring exacerbated the frustrations of the complainants as there was clearly an ongoing issue, but there appeared to be no proactive response from the Department. The Board considered it unacceptable that the Department had simply extended the monitoring in order to meet a threshold that had already been acknowledged as unworkable. The Board agreed that it was vital the Department had clear guidelines and clearly the 'sniff test' was not viable. Mindful that it should not be the responsibility of officers to devise threshold levels, the Board suggested that the Department should look to the Courts to provide a valid test from which a usable precedent could be set.

Response to 5.8 Odour nuisance assessment is legitimately conducted by a sniff test. There is no other recognized method for assessing odour nuisance. Field olfactometers are poorly reviewed however appear to have a place in establishing what an odour may be or where it is coming from. A sniff test is a well-established method for investigating odour complaints. They do not however, have a function in assessing statutory nuisance. Odour statutory nuisance is assessed subjectively via sniff testing and an objective decision made by officers qualified in assessment and enforcement of Statutory Nuisances (Jersey) Law 1999, as a matter of degree whether the smell or odour that they have experienced is such as to be a statutory nuisance as set out below.

This is supported by multiple professional resources. Appendix 2 (page 37) of the Institute of Air Quality Management: Guidance on the assessment of odour for planning which states:- 'Sensory testing techniques use the human nose as the analytical sensor to enable the odour magnitude (as either intensity or concentration), frequency, duration and offensiveness of the odour to be recorded at a particular location at a specific time. This is a sound approach considering that (currently) *no analytical instrument can give a unified measure of a complex mixture of compounds that quantifies it as a whole in the same way that a human experiences odour.* (Sensory testing also allows the character of the odour to be assessed, which is a great benefit when there are a number of different odour sources.)

Further the Environmental Agency: Review of Odour Character and Thresholds (page 37) highlights: "For existing installations, … the odour impact … can also be assessed in the field, using trained assessors to carry out 'sniff tests' at the receptors. This tool – also called a direct sensory test, subjective testing or simplified olfactometry – gives a subjective result based on the assessor's opinion on the FIDOL factors, which are compared with descriptive (or sometimes numerical) guidelines. …. 'Sniff tests' are designed for assessing the odour impact by recording some or all of the FIDOL factors, including odour concentration/intensity, the type of odour/hedonic tone, the daily and seasonal distribution and the temporal pattern of nuisance, and the use of the affected area. Methods vary in the degree of sophistication of the test, some allowing subjective estimates of the ambient odour intensity to be compared with intensity criteria. *This approach should not automatically be considered inferior to quantitative ambient monitoring. When carried out to a rigorous, well-designed methodology, the results of such surveys can be expected to be robust and reproducible."*

The objective sensory olfactory assessment carried out by qualified Environmental Health Officers is not unworkable nor unviable. It is a proven, scientific method undertaken by qualified assessors globally. There is no evidence that this method is not fit for purpose, other than the testimonies and opinions of a few individual complainants.

Finding 5.9 Board suggested a traffic light system, so when a complaint was received, it would be investigated and if upheld, a notice would be served. That the company would review their activities, and if no response was received, the period of notice, compliance and monitoring should be shortened to make certain the matter was addressed.

Response to 5.9 An investigation must be evidence based and will need to discern what the nature of the nuisance is, and importantly the way it can be abated. A notice must provide sufficient detail to be actionable on the part of the recipient. In other words, there will be a need to tailor the level of detail in an abatement notice relative to the complexity of the nuisance. Steps must be clear, proportionate, and achievable. The notice cannot be amended in the steps to abate the nuisance nor in the time period, simply because there's a suggestion that it may not be complied with. The notice is served and non-compliance can only be evidenced at the end of the notice period.

There is no absolute way to formulate a notice or time period to make certain the matter is addressed. The non-compliance of a notice would result in an offence under the law which would be for the Attorney General to determine if it is in the public's interest to take a case further for the Court's consideration. An insufficient period of compliance, or a lack of evidence that a nuisance exists would be grounds for an appeal. This would not make certain the matter is addressed but result in further legal proceedings.

Finding 5.10 The Board was concerned of the degree of flexibility that had been applied for retrospective planning applications had given rise to the perception that the department favoured the company, and although there was sympathy regarding the constraints of the primary law, the Board was of the view responses could have been swifter and the perceived reluctance to address issues had been amplified by incremental development compounded by reliance on retrospective applications.

Response to 5.10 Article 20 of the Planning and Building (Jersey) Law 2002 has a statutory provision for the application for planning permission for development already undertaken. As a matter of law, it is possible for a person to apply for planning permission for development that has been undertaken. There is no flexibility or discretion that can be applied by the Chief Officer. Irrespective of how many applications of this nature have been submitted in the past, the article allows for a party to apply for development that has been undertaken.

In this specific case, due to complaints received, the planning compliance team conducted a site visit in 2024 and determined that six structures had been built without planning permission. The business submitted a single application for all structures. The Planning Committee in their refusal of the application stated that five of the structures were acceptable however under the law, a planning permission cannot be granted in part by the Planning Committee or Chief Officer, and therefore if one element is unacceptable, the whole application must be refused. Thus, the whole retrospective application was refused even though the majority of its content was acceptable. The business therefore submitted separate applications for each individual structure, given the indication of the Committee that five were acceptable, in order to gain permission for those structures in breach of the law. This is not an unreasonable approach to take. For the minor structures that have no impact, a retrospective application is an accepted and reasonable remedy. For the structures that the Committee found unacceptable and were the cause for the refusal, these applications now include changes and mitigation measures in order to address the impact. Ultimately if these are found by the Committee to be acceptable, it will result in a remedy for the issues. In this way the perception of reluctance to address issues is just that, a perception, with no substantial evidence to such claims.

Finding 5.11 The Board found the department had taken an unreasonable time to make noise abatement order and act on odours, and when considering compliance timescales and extensions, that equal consideration should be given to those impacted as they did to the business.

Response to 5.11 The Board cannot conclude that there has been an unreasonable delay in addressing the odour, as the determination that no statutory nuisance exists itself constitutes timely and appropriate action. If the Board is not concerning itself with the evidence of whether a nuisance exists, it cannot determine that the decision not to act because of lack of evidence is unreasonable.

The timescales for compliance with the planning enforcement notices are not extensions and were determined by the Planning Committee and the Minister, and not the department. Again, compliance timescales must be reasonable and achievable, and if not, could be appealed for those very reasons.

2.0 Summary of the Board and the Ministerial Response

Summary 6.2 The Board's surmised that the departments' actions were contrary to law, because the law was weak and didn't provide adequate thresholds by which complaints could be measured. This does not adequately explain how the department's actions were contrary to law. The department can be following the law, albeit a weak one. The inclusion of thresholds within the law would be impossible as the term 'thresholds' is used to mean the qualitative assessment of multiple factors. This would be impossible to detail within statute, for a multitude of reasons but the most important being that each case, source and receptor are unique and a judgement is required to determine the 'threshold' or the decision whether a statutory nuisance exists. Hence why such guidance exists in the UK to which our officers refer frequently.

Summary 6.3 The Board surmised that the sniff test was unjust as it placed an unreasonable burden of proof on the complainants. This assessment is refuted as there is no burden of proof put onto complainants as it is trained and qualified officers conducting the investigation into alleged nuisance. In the response to finding 5.8 it is explained how the objective sensory olfactory assessment carried out by qualified Environmental Health Officers is not only legitimate but confirmed by professional bodies internationally as the appropriate method to assess odour.

Summary 6.4 The Board surmised that the law had been misinterpreted but with no explanation or evidence as to how the law was misinterpreted.

Summary 6.5 The Board found delays in bringing forward the abatement notice for noise and any action for odours had been unreasonable. No action had been taken on odour, not due to delays or inaction, but to an objectively assessed decision that odour was not a statutory nuisance as the evidence witnessed by qualified Environmental Health Practitioners was not sufficient to be judged as being prejudicial to health.

Summary 6.6 The Board considered that the Company's interests had been prioritised to the detriment of its neighbours was contrary to the principles of natural justice. This is an unfair assessment by the Board and does not accord with its own findings. This is because, in the Board findings, it was perception of either delays or lack of interest which drew the Board to such a conclusion, not firm evidence. Officers were not asked directly if this was the case and therefore had no opportunity to refute such allegations. This is a serious concern as it questions officers' professional ethics and such allegations are strongly refuted. All officers are members of professional institutes and bodies that have Codes of Conduct, Ethics and Fitness to Practise Rules and they strictly uphold the values and conduct required of them by professional standards. All public servants also adhere to the Standards in Public Service.

Summary 6.7 The Board concluded that the department had been unreasonable not to take action in respect to odour given the evidence available, and that it was unacceptable to extend monitoring to meet a threshold that had been acknowledged as unworkable. This is a material error on the part of the Board with the evidence put forward. The reason monitoring continued was due to residents' complaints after officers closed the matter originally. It is an example of officers going above and beyond to address residents' concerns.

The Minister must behave reasonably on an objective basis under the law. Whilst the opinion of complainants is that the odour is a nuisance, this must be examined and assessed objectively by qualified professionals. In order to serve an abatement notice, the law states where the Minister is satisfied a nuisance exists, not beyond reasonable doubt. This judgement is delegated by the Minister to qualified officers in order to make an objective and reasonable decision. Similar to any other public law test, the Minister must ensure that there is sufficient evidence to make a decision. This is a sensory perception issue which inevitably is more difficult to prove, but an objective assessment by a qualified officer should not be dismissed as unknowledgeable or the law as unworkable.

Summary 6.8 The Board concurred that lengthy delays, extensions of compliance deadlines and poor communication had compounded the impression that the Department had prioritised the Company's interests over those of the complainant and her neighbours.

An impression or perception alone cannot evidence prejudice or unprofessional behaviour. The department has taken action under law, following evidence based, reasonable judgement by professional officers. Extensions of deadlines for enforcement notices were made by the Planning Committee and the Minister and founded in common legal practices. This case involved a substantial investment of resources of more than ten officers over a four-year period and over a thousand hours of focused effort including providing regular and substantive communication, extensive publication and transparency of information, unlike any other case.

At all times officers have behaviour professionally, diligently and ethically, and have given equal balance of consideration to the rights of the individuals and of the rights of the business to operate.

Summary 6.9 The Board rejected the suggestion that the Chief Officer of Planning had been conflicted when considering the Stage 3 complaint. It is agreed that the Chief Officer was not conflicted.

Summary 6.10 The Board was concerned about the lack of consistency in redaction process relating to planning applications. This again was not substantiated by any evidence, only based on an allegation that there was manipulative redaction practices occurring in the department which was strongly refuted and not substantiated.

Summary 6.11 Although complaints were raised regarding planning issues, the Board did not include any findings or recommendations on these matters. The absence of such commentary suggests that the Directorate's actions in respect of planning have been lawful and not unreasonable. This supports the view that planning matters have been managed appropriately and in accordance with statutory obligations.

3.0 Recommendations of the Board and Ministerial Response

3.1 To the recommendation that the Minister should serve a notice for the purposes of achieving case law precedent - The Minister **rejects** this recommendation on the grounds that doing so would be unlawful. The Minister would be acting unlawfully if he were to serve a notice without being satisfied that a nuisance exists, solely at the request of a complainant. The Minister is legally bound to act reasonably and cannot issue notices without sufficient justification. It is manifestly wrong for the Board to recommend the Minister act ultra vires to his powers.

3.2 To the recommendation that when considering compliance notices and timeframes for implementation, there should be equal consideration to those impacted as to the practical implications for the company concerned – The Minister **accepts** the recommendation. This reflects existing practice that compliance notices should be reasonable and proportionate, and the Minister reinforces the professional ethics of his officers.

3.3 To the recommendation that any Stage 3 review should include a declaration of conflicts of interest and if found, another independent officer should chair the review – The Minister **accepts** the recommendation and this has been discussed with the Employment Social Security and Housing Department who have oversight over the Customer Feedback Policy. As part of the annual review of the policy they will incorporate the recommendation and will further expand on the recommendation to include declarations of conflict of interest on all Stages.

3.4 To the recommendation that a standardised approach to redaction should be published – The Minister **accepts** the recommendation, noting that this reflects existing practice. The Minister refers the Board to the published redaction approach available on the planning register and gov.je

4.0 Minister's Further Actions

4.1. The Minister acknowledges the long-standing and complex nature of the dispute between the community, the business, and Government, and recognises that it is unlikely to be resolved solely through the Board's recommendations. While disappointed that the Board did not endorse mediation or alternative dispute resolution, the Minister has now taken decisive action to address this gap.

On 29 July 2025, The Resolution Centre, an independent Jersey-based organisation specialising in alternative dispute resolution, was formally commissioned to facilitate a structured community mediation process. This marks a significant step forward in creating a space where concerns can be raised, heard, and addressed constructively.

The mediation process is not intended to replace formal channels or diminish the right of individuals to hold Government to account. Rather, it is designed to complement existing mechanisms by offering a more direct, inclusive, and solution-focused approach. It reflects the Minister's commitment to establishing a resolution framework that enables all parties, residents, business representatives, and officials to engage in open dialogue, build mutual understanding, and work toward practical outcomes.

Most importantly, the department will continue to support the development of a more effective and transparent method of communication, one in which all voices are heard, respected, and treated fairly. The Minister believes that this independent, well-facilitated process offers a meaningful opportunity to move beyond entrenched positions and toward a more harmonious and sustainable way forward for the wider community.

4.2 The Minister remains committed to continuing the statutory processes with reasonableness and objectivity. Officers will continue to act under delegated authority of the Minister and bring the existing open statutory processes to a conclusion. This includes the determination of the Planning Applications by the Planning Committee, the remedy to the compliance notices, and the outstanding noise abatement notice. Once these statutory processes are concluded, the business and site will not be monitored by officers in excess of any normal processes.

4.3 The Minister instructed officers to undertake a further, detailed odour assessment involving a greater number of officers to assess whether a statutory nuisance exists. The Assessment can be found here.

The conclusion of this investigation established statutory odour nuisance is not occurring at an intensity, frequency, persistence or prevalence to be considered of a threshold which would be prejudicial to health or a nuisance. It is important to note that odour was present on the majority of visits to the site. However, the mere presence of an odour does not constitute a statutory nuisance, and the assessment criteria must be considered.

The Directorate has undertaken a thorough examination of the odour complaints and discharged its statutory duty to investigate matters. Whilst the Minister recognises that the complainants do not agree with the assessment, this matter is now considered closed. A new investigation could be opened, only if there is a material change in circumstances.

4.4 Following the Board's findings, the Minister requested a review of the redactions applied to representations published on the Planning Register for applications P/2024/0391, P/2024/1188, P/2025/0022, P/2025/0032, P/2025/0034, P/2025/0124, P/2025/0126, and P/2025/0127. This review was undertaken by the Infrastructure and Environment Governance and Records Manager and the Head of Development and Land. It concluded that the redactions were applied in accordance with the Data Protection (Jersey) Law 2018 in relation to third-party data, and in line with the process and procedure notes published on the Government of Jersey website. These include the redaction of statements relating to enforcement or compliance matters, opinions not relevant to the planning applications, and potentially defamatory or libellous allegations or statements.

While redacted comments are published on the Planning Register, unredacted versions are reviewed and taken into account by decision-makers, including the Planning Committee, which is provided with unredacted consultee and neighbour comments in advance of Committee meetings.

4.5 The Minister also notes that while the Board received complaints regarding planning issues, it did not make any specific findings or recommendations in this area. In the absence of such findings, the Minister concludes that the Directorate's handling of planning matters has been lawful, proportionate, and reasonable to date. This reflects the Directorate's continued commitment to applying planning legislation fairly and transparently.

4.6 The Minister remains committed to open and transparent communication. The Regulation Directorate continues to actively engage with the community and respond to concerns in a timely manner. To ensure all issues are captured and addressed, a centralised community concerns log has been established. This table collates points raised and was introduced following feedback from the Complaints Board, which noted that some concerns had previously been overlooked. The log enables officers to track responses and ensure no issue is missed.

A significant volume of emails continues to be received from various individuals, often directed to different officers and politicians. To improve efficiency and consistency, the Directorate has adopted a central inbox. This inbox is monitored by a team who triage incoming queries. All queries are recorded in the central log to maintain accountability and transparency.

The Directorate has replied to all emails collectively summarising concerns and responses within 10 working days. Updates to those concerned residents have been provided on 16 June, 3 July, 18 July, 31 July, 14 August, 19 August, 20 August, 28 August, and 2 September 2025.

The Directorate remains committed to timely responses and constructive dialogue. Officers are working diligently and in good faith to support the community, and the Government of Jersey expects all communications to be conducted respectfully. Feedback on engagement practices can be directed to the Infrastructure and Environment Feedback Team, who are also monitoring correspondence.

The Minister is aware of requests for direct involvement by individual residents but cannot become involved in planning application matters to ensure he remains impartial due to statutory obligations and future potential appeals.

The Directorate remains dedicated to constructive engagement and will continue to address issues as appropriate and ensuring that resources are used appropriately and wisely. While frustrations over perceived inaction are acknowledged, officers are working hard to resolve matters. Should any significant developments arise, the community will be kept informed.

5.0 Minister's Summary

Whilst the Minister found issue with the majority of the Board's findings, he accepts 3 out of 4 recommendations of the Board. The Minister takes seriously the concerns of residents and in this regard has taken further actions beyond that of the recommendations of the Board. The Minister instructed officers to undertake a thorough re-assessment of odour and redactions applied to representations and in both cases is satisfied with the actions taken by officers.

The Minister prioritises resolution and community engagement, and sincerely believes that if all parties can positively engage with community mediation we can find ways that will support the wider community to live and work together in a more harmonious way.