

### **3. Questions to Ministers without Notice - The Minister for Planning and Environment The Bailiff:**

I think we must move on to questions without notice, bearing in mind the second question period involves the Minister for Education, Sport and Culture. The first question period is of the Minister for Planning and Environment.

#### **3.1 The Connétable of St. Helier:**

I wish to ask the Minister for Planning and Environment about his views on the state of the Ramsar site at La Collette. Given the admission by Health Protection that there has been leaching of the ash at La Collette into the sea, does the Minister believe that there are implications for the Ramsar site, and would he further give his view about the possible extension of the La Collette reclamation site into the Ramsar site to accommodate the fill that may be created if its proposals to sink La Route de la Liberation ahead?

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

The report I received yesterday in relation to the allegations that ash has contaminated the area certainly does not support that contention. It appears from my first reading of the report that there is no significant case to answer. As far as the Ramsar site is concerned, the spoil from the sinking of the road and the development of the Hopkins' master plan on the Waterfront, there clearly will be an impact in that you have to put the spoil somewhere if you dig out a 2-storey basement car park. But we need additional car parking, we need a first class Waterfront, and that is a natural consequence. The effect of the spoil will be to reduce the life of La Collette 2. There clearly will be implications in that if you extend to La Collette 3; one of the areas that may be considered is in the Ramsar area, that, very clearly, needs to be negotiated, but it would clearly be better if an alternative location could be found, but I doubt that that will be the case.

#### **3.2 Deputy J.B. Fox of St. Helier:**

I wonder if the Minister could indicate whether he has had any discussions with the tourism industry with regard to the amount of build that is envisaged on the Waterfront and the surrounding area. The question was asked of me yesterday, and I would be grateful for an answer.

#### **Senator F.E. Cohen:**

I have not had any direct discussions with the tourism industry. I have certainly had a number of private discussions with individuals who own hotels and other tourist-associated investments. I am not quite sure what the Deputy is looking for in the answer, but all I can say is that a wonderful Waterfront, correcting the problems of the past and delivering buildings from which Islanders derive pride, can only be positive for the tourist industry as a whole. I would also add that the delivery of a national gallery is a central part of that aspiration.

#### **3.3 Deputy R.G. Le Hérissier:**

Building on that question, would the Minister tell us whether by building on the Waterfront that the quid pro quo of not building on Greenfields is still holding firm?

#### **Senator F.E. Cohen:**

One of the advantages of building on the Waterfront is that it enables us to do everything possible to protect the countryside, and the protection of the countryside must be one of our imperatives. Very clearly, there is a significant demand for housing and the more appropriate housing that we can put on the Waterfront within the constraints of reasonable living, et cetera, the better because it reduces the strain elsewhere.

#### **3.4 The Deputy of St. Martin:**

At a recent meeting at which the Minister considered a number of planning matters, it appears that some applicants or appellants were granted the right to appear and put forward their case, but others were not. Would the Minister advise Members of his policy in dealing with appeals, particularly where some appellants are not given the right to appear? If so, does he think that is human right compliant?

**Senator F.E. Cohen:**

I have recently made the decision that while the Law does not require me to do so that it is appropriate that all my decisions should be taken in public with objectors having the opportunity of addressing the hearing. We are currently in a transitional phase, and the current expectation is by the end of July I will have that entirely in place, and therefore all applicants will be able to address the hearing and all objectors, similarly, will be able to do the same.

**3.5 Senator B.E. Shenton:**

One of the problems with the Waterfront is it has lacked continuity of presidents of Planning. The cinema complex was passed in detailed permission by Mr. Nigel Quérée; Harbour Reach, Maurice Dubras; and the Waterfront Hotel by Senator Philip Ozouf. In order to provide continuity does the Minister intend to stay as Planning Minister for more than a 3 year term? [Laughter]

**Senator F.E. Cohen:**

Firstly, I would like to correct one point: my predecessor Senator Ozouf was not responsible for the Waterfront Hotel: all he did was to sign off the variations at the end. There was a very long process and he is certainly not responsible for the result. As regards how long I will stay, to some extent that depends on when the Chief Minister gets sick of me, and to some extent it depends on when the House gets sick of me. I certainly would like to stay at Planning as long as possible, but I am well aware that the position of Minister for Planning is a very precarious position and, one mistake, and you are gone. [Members: Oh!] One significant mistake. I would also add that I have made it very clear that my career as Minister for Planning and Environment does depend on being successful in relation to the Hopkins' master plan. I believe that if a Minister engages in such a significant project and then fails to get the approval of his colleagues in the States that it is appropriate to go. So I will be doing my best to stay, but I cannot give any guarantees. Thank you.

**3.6 The Connétable of St. Helier:**

The Minister and I are both well aware of the timetable for the EDAW master plan for St. Helier which has been commissioned by his department. A number of detailed proposals in the EDAW master plan are giving grave concern to members of the public, particularly in St. Helier, and I would appreciate the Minister's personal view on 2 such detailed proposals. One is to drive a road across People's Park towards the bottom of the hill to connect up with Westmount Road, and the other is to make the current section of Parade Road, which is available for parking for people using doctors' and dentists' surgeries, to pedestrianise that road and remove the parking. Does the Minister himself support either of these detailed proposals?

**Senator F.E. Cohen:**

I have to be a little bit careful here, because this could, of course, lead to an application at a later stage, and I do not want to be seen to be predetermining an application. All I can say is there are certain proposals within EDAW which I think perhaps were jolly good ideas but, with the benefit of the response to the public consultation process, I think that they will not be progressed and 2 of those are the 2 that the Connétable of St. Helier has just mentioned.

**3.7 Connétable J.L.S. Gallichan of Trinity:**

Two weeks ago the Minister brought in the Water Law. Does he think that this was premature?  
**[Laughter]**

**Senator F.E. Cohen:**

A very interesting question because my wife asked me exactly the same question as we were driving in the rain only the other day. My answer was that I think I was lucky with the weather because I doubt I would have got it through if it was 2 weeks' later.

**3.8 Deputy A.D. Lewis of St. John:**

A question in a similar vein: the Minister in recent times has said that he perhaps has too much power. He also now has command of control of the Meteorological Department. Consequently, Sir, I wondered if with such considerable powers he was able to do anything about the current most unseasonable weather?

**Senator F.E. Cohen:**

I think that is more an appropriate question for the Dean.

**3.9 Deputy R.G. Le Hérissier:**

I wonder if the Minister could clarify how planning applications are dealt with as regards those that go to himself and those that go to the Planning Applications Panel. Does he make that particular decision and, if so, in terms of those that go to himself, what is the robust appeal procedure in terms of those particular decisions?

**Senator F.E. Cohen:**

Weekly I sit with my Chief Officer, with the Assistant Minister, and with other officers as relevant. I go through the planning applications and I decide which ones I am particularly interested in. Those are the ones that I call in. They tend to be large commercial developments with which I have a particular interest or, in some cases, they are applications where there could be considered to be some conflict if the matter was dealt with by the Planning Applications Panel. The appeal now, of course, is twofold: from the applicant's perspective an appeal against my decision is to the court, and now from the perspective of an objector, the third party appeal process allows also an appeal to the court, so my decision is not final.

**3.10 Senator J.L. Perchard:**

How does the Minister propose that the development of a national gallery be funded - and the maintenance of the national gallery - and has he any suggestions on how a viable and serious youth facility on the Waterfront could be funded?

**Senator F.E. Cohen:**

The national gallery is at an embryonic stage. We have not yet determined the precise way it will be funded, and a number of options will be considered. At the time we bring the matter forward a complete funding package will be presented, both in terms of the capital cost and in terms of the running cost. So I am afraid I do not know any further details at this time. I have already, on a number of occasions, said that I have instructed my department to carry out an audit of the Waterfront from the perspective of youth and families. That audit will be a written document, and it will be circulated to States' Members. One of my priorities is to ensure that the Waterfront is a good place for families and young people to go to 24/7.

**3.11 Deputy G.P. Southern:**

Returning to the planning appeal process, it has become apparent to me, in following a particular case, that appeals by neighbours are heard in public. Then the final stage is held in private which leaves Members objecting to a particular development feeling somewhat frustrated as to what the decision might be, or why a decision has been made if it goes against them. Does the Minister

consider that holding the final decision meeting in public would be a useful move, and is he prepared to amend the relevant regulations or laws to enable that to take place, or is he happy for me to put it on my list of things to make to amend?

**Senator F.E. Cohen:**

I have already said that I have committed to making all decisions in public. It is a question of working out the mechanism to do so, but my department have assured me that this will be in place by the end of July. Without being specific and referring directly to the development to which the Deputy refers and mentioning its name, I can say that my intervention, I am quite confident, resulted in a far better scheme that is traditionally designed down to the last detail, and I will be holding my position to ensure that it is a first class development. So I think that my intervention and decision was right and proper, and I would make the same decision again.

**3.12 The Deputy of St. John:**

Could the Minister advise as to exactly when his recently published changes to the requirement to seek planning permission for certain structures will take effect and what, if any, similar changes he has in mind for the future?

**Senator F.E. Cohen:**

I am not entirely sure I understood the question. The exemptions that I have put in place are already in effect and apply from the date that I published the Order. As far as I am aware, people are taking advantage of the exemptions, in fact, I know of one case.

**3.12.1 The Deputy of St. John:**

Does he have any other similar changes in mind for the future? The second part of the question.

**Senator F.E. Cohen:**

Sorry, Sir, I did not answer the second part of the question. I would like to. I struggled to deliver these exemptions. My predecessors had been through a similar process, I think in 2002 or 2004, and the department were reluctant to increase the level of exemption, so I had rather a struggle getting agreement. I would like to exempt more development and to concentrate on the important development to better utilise the resources in the department, but it is a slow process.

**3.13 Deputy I.J. Gorst of St. Clement:**

Could the Minister confirm that in actual fact partial funding has already been committed to youth facilities on the Waterfront, not least by a party which one of the previous questioners is a director of, and would he also commit again to the fact that he will encourage and ensure that youth facilities are an integral part of any development on the Waterfront?

**Senator F.E. Cohen:**

I am not sure what I am expected to confirm in terms of existing funding and, therefore, I cannot answer that part of the question. All I can say is that part of developing a successful Waterfront, holistically designed with synergistic architecture throughout the remaining areas, requires that it be a suitable place for families to live and young people to have fun and enjoy themselves. **[Interruption]** That will be the subject of the review I have previously mentioned in answer to an earlier question, and it will be published and made available to the public and to States' Members.