

## **4. Questions to Ministers Without Notice - The Minister for Planning and Environment**

### **4.1 Senator F. du H. Le Gresley:**

Would the Minister please explain why his planning officers have consistently recommended that development should be permitted in Field 621 on Route de Noirmont in clear contravention of established policy for the protection of an agricultural field which, on the specific recommendation of a former Environment and Public Services Committee and with the unanimous agreement of the House, was placed in the Green Zone thereby providing Field 621 with additional protection under policy C5 of the Island Plan?

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

I need to be a little cautious with this because the matter of 621 is not finally resolved but the basis is it is very simple. If I can remember the dates correctly, in 2004 the then committee decided that while 2 houses were not acceptable on this particular site, one house was. That was confirmed in writing to the then owner of the site and the site was sold on the basis of that letter. It was an unequivocal letter, it was a letter sent with the instruction of the committee and there simply is not any going back on that. We cannot operate a system of government where a States Committee gives a commitment on a certain matter and then simply withdraws the commitment. If the Senator is suggesting that no house should be built, there could potentially be an issue of compensation. Thank you.

### **4.2 Deputy P.V.F. Le Claire:**

In written questions today I asked the Minister to tell us how much extra open space was proposed in the new North of Town Masterplan. In reading the answers I am not surprised - but Members might be - that there is a 100 per cent increase in residential accommodation and only a 1 vergée increase, or a 10 per cent increase, in open space. There is also reference to the fact that additional housing development and other sites identify more accommodation. Would the Minister please provide for Members a comparison in as many jurisdictions as he is able of room size and amenities in other locations compared to the proposed Island Plan so that we can determine whether or not these changes in this revised North of Town Masterplan are going to be sustainable?

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

I thank the Deputy for that most interesting question and I think the piece of work he suggested is well worthwhile carrying out, and I will undertake to provide this information to Members but it will take a little time. In relation to the increases in quantum of residential development proposed in the North of Town Masterplan revision, this is as a result of the inclusion of the gas company site. The units proposed on the site are indeed spacious with high amenity levels and they would make excellent residences for all. Thank you.

### **4.3 Deputy T.M. Pitman:**

Having met with a number of small business owners - very concerned business owners - in the area, could the Minister advise what consideration has been given or what, if any, consultation was undertaken with such stakeholders in relation to the recently announced plans to develop a third supermarket and multi-story car park at the old Ann Street Brewery site?

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

That is not my proposal. That is a proposal which is, as far as I am aware, not as yet a planning application from the owner of the site. I am afraid I am not able to comment further as it is a privately-owned site. Thank you.

### **4.4 Deputy D.J. De Sousa:**

I wonder if the Minister could inform the Assembly if there is a regulation maximum height that buildings can go to. As you look at the Waterfront in the Esplanade Quarter, you can see there is an encroaching increase layer by layer; each one seems to be getting higher. Can the Minister answer on density, please?

**Senator F.E. Cohen:**

This is not a question of density; it is a question of quality. Taller buildings can be excellent and can compliment our urban landscape and indeed I would point the Deputy to 44 Esplanade which is a Naish Waddington scheme one floor higher than the surrounding buildings. It is indeed an excellent scheme of which I and the architects are particularly proud. There is no particular height although if you speak to Sir Michael Hopkins his view is that the general prevailing height for St. Helier should be 4 to 5 stories - no more - but there are exceptions and indeed the supplementary planning guidance in relation to the Waterfront did suggest a site for a particularly tall building. So it is site-specific but generally 4 or 5 stories, possibly 6, but the most important is the quality of design and I have introduced a policy that whatever the height there will now on commercial buildings be no additional M. and E. (Mechanical and Electrical ) plant on the roofs. Thank you.

**4.5 Senator A. Breckon:**

I wonder if the Minister for Planning and Environment could comment on properties built on the coast or on the coastline. What exactly is the policy, are there any protected areas and are all applications considered on their merit?

**Senator F.E. Cohen:**

Any property owner is entitled to make an application for buildings on their property but as far as coastal locations are concerned generally the presumption is that there will only be a building if there is an existing building and in most cases, but not all cases, we seek a reduction in size for the new building. But, of course, there is the issue of design and there have been some particularly wonderful new coastal schemes approved over the last few years and one or 2 of those are not significant reductions in size but none that I am aware of are an increase in size. Thank you.

**4.6 Deputy J.A. Hilton:**

Going back to the question of Field 621 on the Route de Noirmont, I believe the advice given at the time in the letter that the Minister referred to was that any development on that site should be “limited and appropriate” to the historic nature of the site. If the Minister does agree to development - and I do not believe he should but if he does - will he assure the House that he will stick to the letter of the advice given in 2004 to the developer of “limited and appropriate” to the historic nature of the site?

**Senator F.E. Cohen:**

I am not sure the term “historic” was used and I think that it is rather unfair to seek to blame me for difficulties of Field 621. The reality of Field 621, as I have explained previously, is that an unequivocal commitment was given in 2004 and there is no going back. I have as yet not determined any particular house on that site. I will view any application for a dwelling on that site in the context of the site, in the context of the surrounding areas and I will seek to balance the issues as best as I am able. But I am sure that I certainly will not satisfy all parties in terms of their aspirations for the particular site.

[17:00]

**4.6.1 Deputy J.A. Hilton:**

Can I just come back in response to that because the Minister says in one part of his answer that he is bound by the agreement that was given in 2004 but the advice given to the developer in

2004 was “limited and appropriate”, so I ask again if the Minister considers that if there should be development on that site that he does keep to that advice that was given.

**Senator F.E. Cohen:**

It was not advice; it was a commitment. The commitment was that one house would be acceptable. I have given repeated assurances that I will do my best to ensure that whatever is eventually constructed on the site is the most appropriate for the site. I will seek to limit the development on the site as much as is appropriate; I cannot do any more. I am afraid that I did not give the commitment in 2004.

**4.7 Deputy A.E. Jeune of St. Brelade:**

Could the Minister please advise what progress has been made by his department in respect of getting a report from U.K. planning persons to introduce possibly a permitted development rule? Thank you.

**Senator F.E. Cohen:**

I am grateful for the question. We are in the process of appointing a U.K. planning expert to look at all our processes to try and streamline our processes and to take a view on whether we need to do what we are doing and if we do need to do what we are doing, whether we can do it cheaper or for less money and, most specifically, whether we can significantly extend the exemptions to development. I have often repeated the figure that in Southampton there are approximately 300,000 people and they deal with 2,500 planning applications a year. We are approximately 90,000 people and we also deal with 2,500 planning applications a year. There is something wrong there and I seek to reduce the number of small applications that are required to go through the planning process. Thank you.

**The Deputy Bailiff:**

Deputy Higgins, there was a flash of red lights a moment ago, were you one of them? I think you might have been. Then I call on you.

**4.8 Deputy M.R. Higgins:**

Just changing the subject slightly, would the Minister with his environmental hat respond? Guernsey have banned dredging for environmental reasons, does the Minister think that dredging should be banned in Jersey waters for the same reasons?

**Senator F.E. Cohen:**

This is a matter that the House’s request is dealt with by the Assistant Minister Deputy Duhamel as a separate matter and I will seek to obtain the Assistant Minister’s view on dredging and to distribute that to the House after this session. Thank you.

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

I refer to the Kosangas site in St. John which has an explosion zone of some 300 to 400 metres around it. Is the Minister still minded to prevent any building of domestic buildings within that zone and also will he inform us of his views on any additional commercial enterprises being allowed within that explosion zone, as I have concerned residents in the area?

**Senator F.E. Cohen:**

As usual, the Deputy comes up with some interesting questions, particularly in St. John. In this case he has come up with a question that I have never considered before and rather than answer it inaccurately I will consider the matter carefully and provide a written answer in the next couple of days which will be distributed to Members. Thank you.

**4.10 Senator F. du H. Le Gresley:**

I am sorry that I am pressing the Minister about Field 621, but could I just ask the Minister to explain why third party appeal rights do not arise where planning permission is granted in the context of a statutory appeal process and whether his department has taken legal advice on this matter?

**Senator F.E. Cohen:**

I would rather not get drawn too much into this area. It is a legal matter for which I am not qualified to answer but as I understand it because of the nature of appeal there is no statutory third party appeal rights in relation to the reserve matters. Thank you.

**4.11 Deputy J.A. Hilton:**

A question about planning and development in coastal locations and it was my understanding that 4 or 5 years ago where development in the zone of outstanding character - which presumably would encompass all coastal locations - the general rule of thumb was that I believe people would be allowed a maximum of 10 per cent of the existing footprint. There have been several developments in the past where we have had extensions which have been substantially bigger than the original house standing there. Is the Minister able to say whether that 10 per cent rule still applies?

**Senator F.E. Cohen:**

The 10 per cent rule never formally applied and, no, it certainly does not apply presently. The position is that I will view every application on its merits and indeed the most important issue in relation to coastal development, and in fact all other development, is the quality of design. I do not believe that if we stuck rigidly to a 10 per cent rule, for example, that we would have had the good fortune to be able to approve a Quinlan Terry scheme at Flicquet only last week which will, I hope, be one of the finest houses delivered in the Island since the 19th century. There are opportunities to deliver wonderful houses on the coastal zone. We have to be extremely careful they should only be where there are existing buildings and we should seek wherever possible to limit the size. But it is a question of design, and design and size are related. Thank you.

**The Deputy Bailiff:**

Deputy Le Claire. You have 35 seconds for your question and the answer.

**4.12 Deputy P.V.F. Le Claire:**

France give 57 pence per kilowatt; England give 40 pence per kilowatt in feed-in tariffs to people who install renewal energy technology like solar panels; Jersey gives 7 pence. Is that stopping Jersey producing solar technology as we would like them?

**Senator F.E. Cohen:**

We should do all we can to encourage micro-energy solutions of all types and I believe that the Energy Grant Scheme should be extended in order to encourage all Islanders to reduce the Island's carbon output. Thank you.

**The Deputy Bailiff:**

Very well. That brings our questions to Ministers without notice to an end.