

5. Questions to Ministers Without Notice - The Minister for Planning and Environment

5.1 Deputy J.A. Hilton:

The Minister will recall he attended a meeting back in October concerning all the problems that the residents of Le Clos Vaze in St. Helier No. 3 District have encountered since they have moved into their new homes almost 3 years ago now. We managed to get an assurance out of the developer that the play space, which has stood unfinished for the 3 years, would be completed by 17th November. I contacted the Minister just before Christmas to inform him in fact absolutely no work had taken place. So my question today to the Minister... I was up at the estate on Sunday, it is still unfinished, please can he bring some pressure upon the developer to complete that play space so those children who could have used it when they moved in 3 years ago might actually still have an opportunity before they are too old.

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

I thank the Deputy for her question. I have been involved in trying to sort this matter out. I have corresponded with a senior officer who is dealing with the issue and he has been assured by the developer that the play space will be installed in the very near future. But I am afraid that I cannot give a specific date. I have been assured it is weeks rather than months.

5.1.1 Deputy J.A. Hilton:

I am sorry I just do not think that can be good enough. We were given the assurance that it would be completed by 17th November and 8, 9 weeks later it is still incomplete. It is just not good enough and it is not fair on the residents of Le Clos Vaze.

Senator F.E. Cohen:

If I could install it myself I would do so, but I am not very good at D.I.Y. (do-it-yourself). I will do my best to ensure the developer completes the work as soon as is humanly possible but I am afraid it is rather out of my hands.

5.2 Deputy K.C. Lewis:

If I may, I would like to ask the question that timed-out this morning, number 21. Further to news that the number of puffins at Plémont are down to 12 breeding pairs due to a high population of rats in the area, what action, if any, will the Minister take to instigate the eradication of rats on the property by the landowners with immediate effect?

Senator F.E. Cohen:

The simple answer to the question is that killing the rats is unlikely to deliver any benefits in terms of increasing the population. The population of puffins has declined in line with the puffin populations in many other parts of the English Channel. The Jersey Seabird Watch Group has been formed to try and monitor this but simply killing the rats results in rats repopulating from surrounding areas. Unless you are able to kill the rats in a huge area over a very long period of time you simply will not successfully eradicate the rat problem. So I am afraid that we have to keep monitoring the situation, but resolving it is not down to killing the rats.

5.2.1 Deputy K.C. Lewis:

Supplementary. I have been informed by reliable sources that once the building ... if and when the building concerned is demolished, the rats will immediately run off to the coastal area and will decimate the puffins that are left. Does the Minister not think that to ask the landowners to eradicate the rats that are there is a fair comment?

Senator F.E. Cohen:

I can certainly ask the owners to eradicate the rats but, as I have said, there has been considerable work done on rat populations elsewhere and simply killing rats in one area results in an invitation to rats in the surrounding area to repopulate. But I will certainly raise the issue with

the developers and seek an assurance from them. But, as I have said, the department's view is that it will not solve the problem.

5.3 Deputy T.M. Pitman:

Perhaps the Minister could employ Deputy Lewis with his tank to go down there. Given that the planning application supported by both residents, crucially the police and Harbours to install a manned barrier system near Albert Quay Apartments at the harbour was recently refused, clearly without full knowledge of the facts, such as the 3-figure number of complaints to the police, is the Minister happy that his departmental officers respond adequately with people behind these applications in regard to being kept informed of how and when their case will be heard? I ask this question because Harbours have told me they felt they were not kept informed.

Senator F.E. Cohen:

Firstly I must apologise to Deputy Pitman; he did raise this matter with me by email. I did raise it with officers so I could be fully briefed but I failed to revert to him and I apologise to him for that omission. The position with this application was that it was an application to cordon-off an area of the harbour at night by the introduction of a barrier and a small kiosk. It was felt by the department that the barrier would not deliver what was expected and that it was not something the department could support. There was no political representation at the public hearing so, as I understand it, the panel simply followed the officer advice, having given careful consideration to the matter. I would like to invite the Deputy to come to see me and we will try and find a way of resolving the matter which will deliver what the residents wish and something the Planning Department can support. So I look forward to speaking to him about this shortly.

5.4 Deputy A.K.F. Green:

I just wonder if the Minister could enlighten us, I have had a number of complaints, as indeed the other Parish Deputies have, about what would appear to be unauthorised development at Brixton House on Paris Lane. There is a large ventilation unit gone in there and I gather this is to be reopened as a restaurant. Could the Minister confirm whether this development has been authorised or not?

Senator F.E. Cohen:

I am afraid I do not know the answer to the question. I have passed the emails on to the relevant officers and I am awaiting a response. When the response is received I will, of course, inform the Deputies that have expressed an interest but at the moment I do not have a detailed answer.

5.5 Deputy P.V.F. Le Claire:

Could I ask the Minister what the reason, rationale and requirement is for individuals, architects and developers to produce models in support of their applications to the planning process. If he is able to do so, would he also be able to combine that rationale, reason and process to the Island Plan so that while the extended consultation takes place Islanders can benefit themselves of a model that they can view.

Senator F.E. Cohen:

I think that the introduction of a physical model has been one of the most important improvements in the planning process in the last few years. Particularly for a layman, and many of us who have to make planning decisions are laymen, there is nothing better than seeing a physical model and you can get a proper perspective of what is proposed and get a greater understanding of the effects of the proposed construction on the surrounding buildings. So I think while models can be expensive they are a relatively small part of the profit of large development schemes. They are only required for larger schemes, not for small schemes, and I stand behind the introduction of models. I am not quite sure what sort of model the Deputy is suggesting in relation to the Island Plan but a model of the whole of the Island showing all the

buildings in, for example, a 3-dimensional form of the 18th century Richmond map would be enormously expensive to produce and we simply do not have the resources, albeit that it would be a very good addition to the planning process.

5.6 The Deputy of St. John:

Could the Minister confirm or otherwise the length of time a permit for development can be left open once a building is started or development is started? If it is left open-ended can it be ... can a property be occupied by any person once it is left open?

Senator F.E. Cohen:

Planning permits are now usually issued for 5 years, albeit that I have dealt with a number of reapplications where effectively an existing permit was open-ended. As far as when a building has to be completed once a start has been made, I am not entirely sure of the law in this matter but as I understand it once a substantive start has been made it is pretty much open-ended. You can take a considerable time to complete your building but I am not certain whether you can occupy the building during that process. I will have to come back to the Deputy with more detailed information and I will probably have to go to the Law Officers.

[14:45]

5.7 The Deputy of St. Mary:

Can the Minister tell the House whether he thinks that rushed consultation never delivers a good result?

Senator F.E. Cohen:

I am not sure that rushed consultation never delivers a good result but from my perspective I do my best to have lengthy consultation processes, often to the frustration of officers. I have recently extended the Island Plan consultation process for a period of 3 months for this very reason. But there is a limit to consultation and just endlessly extending consultation does not necessarily produce better responses or more responses.

5.7.1 The Deputy of St. Mary:

Thank you. Can I have a quick supplementary? Following on from Deputy Le Claire's question, would the Minister like to comment on the desirability of having scaffolding profiles for sensitive and/or large applications? Because they do help people to see on the ground, on the site, what might happen.

Senator F.E. Cohen:

Sometimes a scaffold profile is quite a good idea but they are only for very specific applications where the impact of, for example, light is to be considered. There is one case at the moment where a scaffold has been erected at my request in relation to a particular application. I have kept a track of how many times I visited the property to make my mind up and so far we are up to 23 visits. So they are useful occasionally.

5.8 Senator A. Breckon:

R&O 134/2009 which was before us this morning has got building applications and planning application fees increasing by up to 25 per cent from 1st January of this year. Can the Minister say what is the reason for this? Are more staff to be employed? Quicker applications? Is it something to do with users pays? Could he give the House some more information?

Senator F.E. Cohen:

The increases were included in previous plans brought to the House but the reason for the increase is quite specifically that we are fundamentally under-resourced, our budget has been cut

and we have been forced to raise £350,000 approximately. We have a total budget of £10.4 million with about £6.9 million as staff costs. We are not seeking to employ more staff, in fact we have a number of unfilled posts at the moment, but it is simply a case of matching our income with our expenditure. If Islanders want to have a competent planning service then it simply does cost a certain sum to run it and the only way we have got of restoring the hole that has been left by the cuts is by increasing fees. We raise approximately £3.6 million a year from fees, about a third of that is from building fees, a little more than a third of that is from building control fees and the balance is a variety of things such as the Met. Office. So with a budget of £10.4 million and only £3.6 million as an income source, clearly any decrease we see in the amount we are expecting from central funds requires a large percentage increase.

5.8.1 Senator A. Breckon:

I wonder if it is a user pay policy, if that is what the Minister is saying, if it should not have come before this House?

Senator F.E. Cohen:

I think the regulations are quite clear that it is down to the Minister to set the fees and of course the general proposals were included in the Business Plan.

5.9 Deputy R.G. Le Hérissier:

Would the Minister acknowledge that he has been very sparing in his use, I think, of Article 84 of the law requiring an owner of land or a property to tidy it up should such a property have fallen into dereliction? Would he tell the House how many times he has exercised this power during his tenure as Minister and why it appears to be very, very infrequent?

Senator F.E. Cohen:

You can require a landowner to keep their property wind and watertight under certain circumstances but you can do little more. You can require the landowner to keep the property safe. To my recollection I have only required this on 2 occasions, and both were in relation to disused glasshouse sites where there was broken glass that I considered was a danger to the public.

5.9.1 Deputy R.G. Le Hérissier:

A follow up? Does that mean in order to keep it safe, safe from vandalism?

Senator F.E. Cohen:

I am not sure that it would include safe from vandalism. I think it would merely be safe from the perspective of the public generally. That may include that.

5.10 Senator J.L. Perchard:

Does the Minister agree that the old Odeon Cinema should remain on the register of historic buildings, and does he share my view that it is unfortunate that the Hopkins Masterplan sees a future for that hideous building in the North of Town Masterplan?

Senator F.E. Cohen:

The Odeon Cinema building is a difficult conundrum. The Odeon was one of the very last of the Odeon-style buildings, it was built out-of-period and many would argue that because it was built out-of-period its listed building status is not warranted. Others would argue it is a building of outstanding importance and even matters such as the rendering and the patent rendering are of significant importance. I think it is a carefully balanced matter and I would not like to come down one way or another finally on the floor of the House without very careful consideration. Thank you.

The Bailiff:

Very well, that brings questions to the Minister to a close.