

#### **4. Questions to Ministers without notice - The Minister for Planning and Environment**

##### **The Bailiff:**

Very well, that concludes questions to the Minister for Social Security, so we move now to questions without notice to the Minister for Planning and Environment.

##### **4.1 The Deputy of St. John:**

Will the Minister explain why the Fort Regent Don Theatre is used by the Planning Applications Panel when disabled people have to attend, given the venue is totally inappropriate? Only last week, I saw 2 disabled persons at the Don Theatre. Is it usual for one party to receive information about a decision before the hearing is held? Finally, it is usual for panel members to have their back to applicants when addressing them?

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

Thank you for the question. The reason that the Fort Regent Theatre was used was that the Planning Applications Panel had such a large agenda it had to be split into 2. They do excellent work and they consider matters most carefully and that resulted in the hearing having to be extended over 2 periods. Unfortunately, the usual rooms at the Société Jersiaise and at St. Paul's were not available and the Fort Regent Theatre was the only place available, so I am sorry if it was unsatisfactory, but it is a rare occasion that that theatre will be used. I am afraid I cannot remember the other 2 parts of the question.

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

Is it usual that panel members would have their back to the public when addressing them, and also, is it usual for - I am starting to forget it now myself - for the ...

##### **The Bailiff:**

One will do, Deputy, I think.

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

I was just going to finish the question.

##### **The Bailiff:**

I know, but we cannot have more than one subject covered. I think I allowed you too many in the first one.

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

Well, no, information being given to one party prior to the meeting.

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

No, it is not usual and I am sure that if a panel member had his back to members of the public, that was simply an oversight. The panel members are always extraordinarily polite to members of the public and they have my absolute confidence in the way they conduct themselves in public.

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

I hope I can remember the question. Given the reality that the flats at La Collette will eventually have to be demolished due to the problems many of my constituents are having with dampness *et cetera*, could the Minister just clarify, is it correct that his department wishes to protect a spiral metal staircase that is part of the development down there, which would limit the development?

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

It may be that the department wishes to protect elements of La Collette, but I can assure the Deputy that the Minister does not.

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

The Minister will be aware that I have put in an objection to a planning application at Lempriere Street in St. Helier. Will the Minister in future, when people put in planning applications, put a restriction on those that persistently do not cater for parking?

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

It would be inappropriate to comment on a particular application that is presently live. It is up to applicants to make applications for whatever they deem appropriate, and it is up to the Planning Department to ensure that we protect the interests of the public and provide adequate car parking in all cases.

### **4.4 Deputy J.M. Maçon:**

How apt. Can the Minister explain what changes will occur to the draft Island Plan if the States, quite sensibly, rejects the Sustainable Transport Policy in relation to domestic car parking provision, given that the draft Island Plan has been formatted under the assumption that the States will adopt the Sustainable Transport Policy?

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

We will shortly find out whether the States do adopt the said policy. The position on car parking is that car parking requirements are a moving feast, as Islanders' requirements change, as modes of transport change, as access to public transport changes, the requirements for car parking will also change. It is an obligation upon the department to ensure that we adequately meet it, but it is very much a moving feast.

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

Would the Minister agree to place in the public domain the recent report commissioned by the Jersey Heritage Trust on the architectural and historical significance of the Odeon Cinema building, and if not, why not?

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

I would be more than happy to place all reports related to the redesignation or potential redesignation of the Odeon Cinema in the public domain. I just have to be careful that they are put in the public domain at the appropriate time, but I cannot see any reason why both that report and the report commissioned by the owners of the site should not be available to the public.

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

Could the Minister advise if and when the department receives an application to demolish the Odeon Cinema, will he have the final decision?

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

Firstly, I have to deal with the listing issue, which is an entirely separate matter from any application. When an application comes forward, that application may be dealt with by officers. I think that is most unlikely. It may be dealt with by the Planning Applications Panel or it may be dealt with by the Minister and I think once the Senator has seen the recommendations of the new process improvement programme, he may have a clearer idea of which direction the determination is likely to fall.

### **4.6 Senator J.L. Perchard:**

When is the Minister going to make a decision to remove the listing from the old Odeon building and how long does he expect the States and the members of the public to endure this delay?

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

I am not quite sure from which perspective the Senator is coming. The position with the Odeon Cinema is that it is presently a listed building. There is very little right of appeal in relation to a reassessment of a listed building and therefore it is appropriate that I take appropriate care. What has happened is that the Jersey Heritage Trust, as our advisers, have presented a report. I have asked the owners of the building if they wish to take the opportunity of having their own report commissioned. They have commissioned a very lengthy report, which I am presently considering. I think it is important that a decision that I make is very transparent and therefore it will be made in public and I expect that to be made in January of next year.

#### **4.6.1 Senator J.L. Perchard:**

A supplementary. Is the Minister aware that a decision to de-list the old cinema building will almost certainly result in the owners seeking to undertake a major redevelopment of the area, an action that would help regenerate and create in the area, the north of town... create employment [Approbation] and provide economic stimulus for our economy? Does the Minister not share my view that in respect of the old Odeon building, it is now time to ask these fringe historic building campaigners to step aside [Members: Oh!] and to stop getting in the way of progress?

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

I take exception to the Senator's comments, as I have been a historic buildings campaigner in the past. In relation to the current position on the Odeon Cinema, it is also essential to point that the Odeon Cinema is not the only regeneration site in the north of the town. The Ann Street Brewery site is a most important site and of course the Ann Court site is an important site, as indeed is the Town Park, which in itself will provide regeneration opportunities. But perhaps the most important site of all is the Ladies College site, which is presently being worked on by Property Holdings, and that offers the opportunity of wonderful regeneration in the north of town, and that we can once again make the town the first choice place of residence for Islanders.

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

The Minister knows that I and a number of other Members have campaigned for a number of years to have a memorial for François Scornet. I understand there might be some news about this, and I am wondering whether or not this news is pertaining to Percentage for Art, and whether or not locations might be discussable, rather than set in stone.

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

I am delighted to be able to inform the House that the Westmount Percentage for Art programme will deliver a major memorial sculpture to the memory of François Scornet, and I would like to commend Deputy Le Claire for his extraordinary efforts to memorialise appropriately François Scornet over so many years. The location is yet to be finally decided, but of course the department and the commissioner of the work, which is the developer of the site, will seek to work with Deputy Le Claire and others to ensure an appropriate location is found. However, the principle of Percentage for Art is that it should be on or near the Westmount site.

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

May I ask a supplementary? I would like to thank the Minister for highlighting my efforts, but I think there also needs to be recognition of past States Members and current States Members and members of the public who have worked with me and the developer, and I wondered if the Minister could extend those congratulations to those individuals as well, because this was not my sole effort?

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

I most certainly do, and it was wrong of me to single out Deputy Le Claire as the sole individual responsible. There of course have been many others and I congratulate them all for their efforts.

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

I wonder if, branching out, the Minister could tell us whether he is prepared, in the light of recent events, to put in stronger protection for trees that are designated as in need of protection?

**Senator F.E. Cohen:**

There have been a number of unfortunate incidents with trees recently. All, as far as I am aware, had consent for felling. However, I concur with the Deputy that there should be greater protection for trees. It is somewhat difficult to achieve under the present planning structure and perhaps we should be looking at a general presumption in favour of the preservation of certain species of trees generally throughout the Island.

**4.9 Deputy K.C. Lewis:**

While I have the greatest of respect for the Planning Applications Panel, who do an excellent job, is the Minister aware that for individual housing projects, there is still a great dissatisfaction with the time taken to determine applications? While I am on my feet, may I congratulate the Minister, who I consider to be one of the custodians of our heritage. **[Members: Oh!]**

**Senator F.E. Cohen:**

I thank the Deputy for his kind comments. I would say that in general, I am relatively comfortable with the time taken to determine the majority of planning applications.

[12:15]

Those applications that meet our architectural standards tend to get approved very quickly. Indeed, the vast majority - over 90 per cent of our applications - are dealt with within 13 weeks. That I think is a pretty good record and it is better than most other jurisdictions. That does not mean of course that there are not instances where we are slow, and indeed, some times when we are very slow, but the vast majority are dealt with appropriately, as far as I am concerned.

**4.10 The Deputy of St. Martin:**

I wanted to come in earlier to follow the Deputy of St. John, because I concur 100 per cent with him. Could I seek an assurance from the Minister for Planning and Environment, because we are aware of the difficulty in finding suitable accommodation for Planning Application Panel meetings, but can I have an assurance from him that Don Theatre will not be used? I do not think it is an appropriate premises and there must be other rooms in Fort Regent that could be better used, or indeed, around the Island. So can I have an assurance that Don Theatre will not be used in future?

**Senator F.E. Cohen:**

I am more than happy to give that assurance, but Members should please bear in mind that it is sometimes difficult to find an ideal location for planning hearings that are at short notice.

**4.11 Deputy J.B. Fox of St. Helier:**

Will the Minister agree with me that it is always sad when someone is proposing to do a very large development to say that it relies solely on the fact that a listed building has got to be de-listed and that vast swathe of area around the building remains unkempt, unused, except for parking cars for some since 1971?

**Senator F.E. Cohen:**

It is my view that listed buildings - and I am not talking about a specific listed building - are exceptionally important to ensuring the understanding of our past and passing that into the future. It is all very well looking at particular buildings that stand in the way and saying it would be much easier to remove them and have a nice new building. There are occasions when it is appropriate to ensure that a building remains for future generations, even if that compromises a site, but I am not saying that applies to any particular site.

#### **4.12 The Deputy of St. John:**

Much obliged. Will the Minister give serious consideration: we have 12 Parish Halls within the Island, which are not always in use, for his officers to organise Planning Applications Panel meetings. Most of these have very good access and disabled access, given last week at the Fort I noted 2 persons who were disabled in the hour that I was there... therefore it is totally inappropriate to use buildings without proper facilities.

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

The Deputy's suggestion is a good idea. The problem is that there is a general presumption that most panel and Ministerial hearings should take place in town, and I think that if we started conducting hearings out of town, there would be complaints from those who wish to make representations who have limited access to transport. I think it is just important that we do not use the Don Theatre again and try as much as possible to stick to our regular venues, where there have been no complaints that I am aware of.

#### **The Bailiff:**

Does any other Member wish to ask any questions? Yes, Senator Le Gresley.

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

Can the Minister outline the planning process and the timescales should the development of a new school on the field adjoining St. Martin's School proceed in 2012?

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

For an important application such as that, we would invoke our fast-track procedure and would seek to determine an application within the minimum period. Of course, there may be rezoning issues, and should there be rezoning issues, that could involve a public inquiry in bringing the matter to the States, but I am not sure in that particular case.

#### **The Bailiff:**

Very well. That brings questions to the Minister for Planning and Environment to a close.