

3. Questions to Ministers without notice - The Minister for Planning and Environment

The Bailiff:

Very well, we now come to questions without notice and the first question period is for the Minister for Planning and Environment.

3.1 Deputy A.T. Dupré of St. Clement:

What are the policies of the Planning Department about advertising on the heritage buildings i.e. the Liberty Wharf where these commercial businesses are advertising sales, *et cetera*, on the railings?

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

The advertising on a listed building requires consent. In the case of Liberty Wharf I am dealing with the consents personally. The signs that are presently *in situ* are temporary signs that do not have formal consent and the proposal is to put some traditional flagpoles up in front of the building on which banners or flags will be flown with a specific provision that on Liberation Day the Jersey flag has to be flown.

3.2 Deputy R.G. Le Hérissier:

Could the Minister for the Environment, International Relations and U.P.V.C. (Unplasticised Poly Vinyl Chloride) windows inform the House how he spreads his time between his 2 main functions?

Senator F.E. Cohen:

Can I make it very clear that I am not a fan of U.P.V.C. windows to begin with, although I am a fan of the 2 other jobs to which the Deputy referred. The answer is I am having to work harder and I am doing my best to accommodate the tasks of both external relations and Planning and Environment and will continue to do so, but I am going home late at the moment.

3.2.1 Deputy R.G. Le Hérissier:

What is the approximate division of time?

Senator F.E. Cohen:

At the moment it is probably about 70 per cent planning and about 30 per cent external relations, but that is rapidly changing and I would imagine that relatively soon it will be 50/50.

3.3 Connétable K.P. Vibert of St. Ouen:

Over a number of years I have brought propositions to this House regarding the Plémont site and I am just wondering whether the Minister is in a position to maybe update the Assembly on where we are.

Senator F.E. Cohen:

Recently there was some confusion over the ownership of some of the land and consequently an application has been resubmitted. Having considered the recently resubmitted application I have decided that it constitutes a significant departure from the Island Plan and consequently merits examination by the inspector under the public inquiry provisions of the Planning Law. An inspector will be appointed shortly and the public and stakeholder groups will be invited to make representations. The inspector will report to me and make recommendations as to the determination of the application.

3.4 Connétable J. Gallichan of St. Mary:

Sir, can I just check, I am a member of the Planning Applications Panel, does that preclude me asking a question?

The Bailiff:

That depends whether you want to impress the Assembly. [Laughter]

The Connétable of St. Mary:

Very briefly, does the Minister consider that there should be a re-evaluation of the minimum parking provision, especially visitor parking for developments in the town area in the light of the expansion of the residential parking zones, which have had a consequential knock-on loss on on-street parking?

Senator F.E. Cohen:

The Connétable will be pleased to know that I have instructed the department to carry out a complete review of traffic and parking in the whole of the town, with particular reference to the north of the town, because I understand that Members do have some doubts about the deliverability of the concepts of reducing car parking requirements over the coming years, and we are going to revise our parking requirements based on current need and putting in place methods to encourage a reduction in car use, but planning for current need.

3.5 Deputy P.V.F. Le Claire:

I might impress the Assembly if I did not ask a question but nevertheless, is it the Minister for Planning and Environment, or is it the Minister for the Environment Department? Can I ask the Minister for the Environment Department if he has any plans in relation to the Green Zone for the forthcoming Island Plan that has not yet been announced?

Senator F.E. Cohen:

It is my proposal to bring forward an Island Plan that does not include significant rezoning of any green field sites or any countryside sites. I am proposing to replace those with a requirement to deliver affordable housing on publicly-owned sites being sites that are under the control largely of Property Holdings. By doing so there will be no requirement to significantly rezone areas of the countryside but that does not mean that there will not be some very minor rezoning largely comprising infill sites.

3.6 Senator F. du H. Le Gresley:

Prior to the appointment of the Constable of Trinity, as chairman of the Planning Applications Panel, this post was previously held by an Assistant Minister. Does the Minister believe that his new Ministry for Environment will in the future require 3 Assistant Ministers?

Senator F.E. Cohen:

The Senator is shortly to join the Planning Applications Panel; does this mean that he is looking for an additional job? The answer to the question is no. No, I am pretty convinced that the Planning Applications Panel can continue to run with the Connétable as chairman, although indeed a future Minister may change that policy.

3.7 Deputy G.P. Southern:

At this time of financial strictures, what rationale does the Minister possibly have for changing the name of his department?

Senator F.E. Cohen:

The changing of the name costs absolutely nothing. As I have made very clear, even the letterhead paper, not that there is much, will be allowed to run out and will only be reordered when existing stocks run out. With a new name it is merely a matter of concentrating minds on the fact that we care for the built environment and the natural environment and that both the built environment and the natural environment are naturally subsets of the word environment. It is merely a refocusing of our attention.

3.8 Senator J.L. Perchard:

On this very subject, while on the face of it this name change is not significant, does the Minister agree to change the name of a department without the authority of the States is at best discourteous and possibly, at worst, contemptuous to Members?

[11:45]

Senator F.E. Cohen:

This was a request at some point by the House, so I certainly do not consider that it was discourteous. Certainly if Members have taken it as anything other than a refocusing of our attention I must apologise for that. I think it is a very positive thing and it seems that no matter how good something is someone will always complain.

Deputy P.V.F. Le Claire:

I wonder if on a point of order it would be appropriate for me to inform the House what occurred and which way it happened.

The Bailiff:

No, this is question time, Deputy.

3.8.1 Senator J.L. Perchard:

A supplementary, Sir. Something such as changing the name of a department surely should have the authority of this Assembly, and does the Minister not agree?

Senator F.E. Cohen:

We took legal advice on the matter and the Minister remains the same. It is simply the working title of the department. The department remains exactly the same. The Minister is still the Minister for Planning and Environment but the working title of the department will be the Environment Department. We are not proposing any changes in the terminology and legislation. It is simply a working title or in the commercial world it would be a branding exercise.

3.9 Deputy J.A. Hilton of St. Helier:

Is the Minister able to tell Members when he intends to bring the draft Island Plan to the States for debate please?

Senator F.E. Cohen:

Was that the Island Plan that you referred to? Yes, the Island Plan is in the finalisation stages at the moment. I expect to take it to the Council of Ministers on 10th March and to lodge it shortly thereafter. I cannot give any guarantees as to when the Island Plan will be debated, of course, because we changed the law to allow States Members to lodge amendments and depending on the nature of those amendments it may be necessary to go through a further examination in public. If the amendments are minor it probably will not be necessary, but if they are significant it may well be so. Thank you.

3.10 The Deputy of St. Mary:

Let us see if this new name means anything. The man who was in charge of pollution when the incinerator was being constructed and who reported an alleged incident was not interviewed as part of the investigation by the Minister's department into that alleged pollution incident. Can the Minister explain how this can have happened, for the record, because on the face of it it is absolutely extraordinary? It was after all his job.

Senator F.E. Cohen:

The Deputy is being rather naughty because yesterday he asked me exactly the same question in a Scrutiny hearing and I am going to give exactly the same answer today. The matter is in the hands of the Law Officers and while the matter is in the hands of the Law Officers I have no intention of making any comment in relation to the alleged pollution incident.

3.10.1 The Deputy of St. Mary:

I am not asking about the rights and wrongs or whether it is true or not. I am asking about the process and what it looks like to outside people who are concerned about our environment. What does it look like? What message does it send when the person who reports an incident, the person who knows most about it is not interviewed as part of the investigation? Why was that so? That is a simple question.

Senator F.E. Cohen:

The answer is very simple, the matter is in the hands of the Attorney General and the Attorney General will be dealing with it in due course. He has many matters to deal with. This issue and whether or not there is a prosecution is entirely in his hands.

3.11 The Deputy of St. John:

I could put another question to that but I will not. Will the Minister give us the number of States Members who sit on his various quangos, whether it is the Planning Applications Panel, the Commission held by the Constable of Grouville for wave power and others, his 2 Assistant Ministers and the like, given this could influence any votes within the House depending on the number of Members he has control over?

Senator F.E. Cohen:

The answer to the question is a closely controlled secret.

3.11.1 The Deputy of St. John:

Can I come back on that please? Could he give us the actual breakdown panel by panel, including his 2 Ministers and I will not take a secret answer, as he has just given.

Senator F.E. Cohen:

I cannot answer immediately because I cannot remember. I will provide a written note listing all Members who are on my various different groups. Hopefully it will be circulated in the next couple of days.

3.12 Deputy M. Tadier:

What steps will the Minister take to allay the fears of environmentalist residents and at least one St. Brelade Deputy that the demolition, excavation and rebuilding of 2 houses at Petit Port, which are in the middle of an area designated as a zone of outstanding beauty?

Senator F.E. Cohen:

Firstly, I would like to begin by saying that I have absolute confidence in the Planning Applications Panel, who I believe do a sterling job and I believe usually make the right decisions. The issue of [Laughter] ... always, always make the right decisions. I am terribly sorry. Answering on the hoof is sometimes a problem. Senator Shenton raised this issue initially and I mustered Deputy Duhamel to review the landscaping proposals from an environmental perspective. No permit will be issued at all until he is satisfied that the natural appearance of the backdrop is protected with a natural landscaping scheme and that he has personally signed this off. Furthermore, I will be imposing a condition for a mini environmental impact assessment.

3.12.1 Deputy M. Tadier:

If I may have a supplementary. I am partially relieved to hear that, although I was on the understanding, reading the comments from Deputy Duhamel, that it was simply a recommendation about the background and that there was nothing he could do to enforce it. It is interesting the Minister is very supportive of the panel, does that extend to the decisions where in the case of Petit Port the decision is later overturned by the Royal Court saying that enough consideration was not given to the fact that the houses fell in the Green Zone where there is a presumption against development?

Senator F.E. Cohen:

Planning is always a subjective matter and I repeat that I have absolute confidence in the panel in all of their decisions. As far as Deputy Duhamel is concerned, to repeat, Deputy Duhamel will be asked to sign-off the natural landscaping proposal and no permit will be issued until Deputy Duhamel has done so.

The Bailiff:

I come to Deputy Le Claire, and given your statement earlier that you wished to inform Members about the Environment change of name, I just draw your attention to Standing Order 10(3) which says: "A question shall not be framed primarily so as to convey information rather than seek it."

Deputy P.V.F. Le Claire:

I think that has put a stop to the next one as well.