

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

The Deputy Bailiff:

We now come to questions without notice. The first period of question time is to the Minister for Planning and Environment and we will open the questions.

3.1 Senator F. du H. Le Gresley:

Why have the ruinous and dilapidated buildings on the Plémont headland been allowed to remain when the Minister has powers under Article 84 of the Planning and Building Law to require their demolition and removal of the resulting rubble?

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

As I understand it, the Minister's powers are restricted to wind and watertight and it is my understanding that the owners of the site do go to some effort to meet this requirement. I have looked at this issue and I am satisfied that there is little opportunity for the department to progress it further.

3.2 The Deputy of St. Martin:

The Planning Department gave consent to demolish and construct a new house down at St. Catherine's. That construction has been going on for some time. There has been hoarding around that construction for some time. Is the Minister able to inform Members why that hoarding is still around and when will it be removed?

Senator F.E. Cohen:

As usual, it is inappropriate for me to comment publicly on a particular planning application. I will look into this matter and I will respond to the Deputy privately.

3.3 Deputy R.G. Le Hérissier:

Notwithstanding the report by outside consultants on the use of planning time, would the Minister not accept that applications to do with the repositioning of signs - a recent application to do with the movement of the flagpole in the grounds of the General Hospital - are absorbing an unbelievably disproportionate amount of planning time as they are subject to the full majesty of the planning law? Would he not agree that this is an area in need of dire reform?

Senator F.E. Cohen:

Absolutely, the current policies are an utter nonsense and we are in the process of revising them. In fact I have sent an email this morning. They will be revised under the changes to the General Development Order. I have asked if this can be signed before I leave for China at the weekend. I am hoping that they will be finished by that time, if not they will be signed off as soon as I return.

Deputy T.M. Pitman:

I am hoping, as we are near lunch, that you are still in lenient mood. As the Minister is a key player within the Executive, being Minister for Planning and Environment and Minister for Foreign Relations, could the Senator reveal if he was involved in any way at all in being asked to resolve the question of Zero/Ten?

The Deputy Bailiff:

I think these are questions to the Minister for Planning and Environment. I am not quite sure what Zero/Ten has got to do with that.

Senator F.E. Cohen:

It has been in my area peripherally.

The Deputy Bailiff:

As Assistant Minister?

Senator F.E. Cohen:

Yes.

The Deputy Bailiff:

For Foreign Relations?

Senator F.E. Cohen:

As Assistant Chief Minister, yes.

The Deputy Bailiff:

So not as the Minister for Planning and Environment. I may be in a lenient mood, but this is too much.

3.5 Deputy S. Power of St. Brelade:

My question is directed to the Minister of Planning and Environment and it is another question in relation to Plémont. Does the Minister consider that the owner of Plémont has a legal right to restore the existing buildings at Plémont and convert them to unqualified accommodation should he so wish?

Senator F.E. Cohen:

I am not a lawyer and I think that is a technical question that would have significant implications in relation to possible forthcoming applications, and I think it would be more appropriately addressed in writing and I can obtain legal advice on the matter.

3.6 Senator B.E. Shenton:

Does the Minister consider it appropriate to specify which architect applicants should use, especially if it is a U.K.-based architect, and how does this comply with the impartiality of planning when the plans come before the panel or the Minister?

Senator F.E. Cohen:

I have emailed the Senator on this matter. He was kind enough to impart the content of certain rather salacious rumours that had been spreading about me in relation to this matter and I have already informed him that we do not require particular architects to be used in the case of any particular application, but that does not mean that I do not have my favoured architects. There are a variety of architects presently working in the Island, who are both locally based and non-locally based, who are delivering fabulous schemes. I would point particularly to schemes such as the Ogier building at 44 Esplanade, and 50 Colomberie; both of which are exemplar buildings of exactly what I am trying to deliver and they were delivered by a local architect. But we do not specify particular architects for particular applications.

3.7 Senator T.J. Le Main:

Due to the very, very clear need for sheltered homes - accommodation for elderly people - could the Minister make an up-to-date statement in the next sitting on why the Lesquende site at St. Brelade has still not received planning permission, has still not received any kind of development when it has been owned by the States and re-zoned by the States and is sitting there empty for the last 20-30 years?

Senator F.E. Cohen:

With respect to the Senator, the question is not when the Planning Department will issue a consent; it is when the applicant will make an appropriate application and there have been

ongoing discussions. There are numerous problems with many States-owned sites where I am sure many Members and many Islanders find it rather frustrating that little progress has been made. That is not a criticism of the departments involved. It is an unfortunate fact that the public bureaucracy moves much more slowly than the private development world. But I would urge those departments involved to do their very best to bring forward not only this site but other sites such as the Ladies College site and a number of others including the St. Saviour's site. There are enormous opportunities in this area.

Senator T.J. Le Main:

Could I ask a supplementary on that, on the basis that the Minister ...

The Deputy Bailiff:

Senator, I will add you to the list and if we get to you for your supplementary ... I have a long list of Members wishing to ask questions.

3.8 Deputy K.C. Lewis:

After it being altered many times, will the Minister inform Members whether the final plans are in for the St. Saviour over 55s village and when the plans will be determined?

Senator F.E. Cohen:

There is never such a thing as a final set of plans. There are constant revisions throughout schemes. There is a current set of plans and I think that they address many of the problems that have been raised by the Deputy and others. They are in. The department are keen to bring this to a conclusion soon because it does deliver essential housing for retirees and I would hope to bring a decision forward relatively soon. But that does not mean that consultation is closed. If the Deputy has a particular interest, please come to the department. I am more than happy to see him and to go through the file with him.

3.9 The Deputy of St. Mary:

In view of the series of controversial decisions concerning sites along our beautiful coastline, and in view of a somewhat equivocal answer to a similar question at the last sitting, can the Minister assure Members that, when and if the Island Plan is agreed, he will stick to what it says and not find endless loopholes through which to flout the wishes of the public and Members?

[12:00]

Senator F.E. Cohen:

I think that is a somewhat naughty question. The Deputy knows full well that the consents that I have given are in accordance with the principles of the Island Plan in every case. The Island Plan allows for exceptions to be made. I am proud of the decisions that I have made in relation to the coastline and, if the Deputy is getting at Portelet, I stand by that decision. It was the right decision. There was a consent in place for a rather poor quality scheme. The current scheme is a huge improvement over the previous scheme. It was going to happen anyway and the current scheme that is under construction, which is not finished yet, is 15 per cent smaller than the old building. I do not know what else he would have done in the circumstances.

3.10 Senator J.L. Perchard:

Is the Minister satisfied that the environmental section of the Planning and Environment Department is run in a slick, efficient manner and that the operation at Howard Davis Farm provides good value for money for the taxpayer?

Senator F.E. Cohen:

I have absolute confidence in both the Director of Environment and the Assistant Minister with responsibility for the environment - Deputy Duhamel that is - both of whom do an absolutely

first-class job. The environment and care for the environment is often a slow process. It is not something where one can make snap decisions very often. Long periods of consultation and research have to be gone through before one can come to a conclusion and developing policy is, at times, frustrating. But that does not mean that the department is in any way slack. I have absolute confidence in the department. They are doing a first-class job.

3.11 Deputy A.E. Jeune:

Does the Minister consider that there is a risk that plans are going to be submitted in order to beat the new Island Plan if adopted by this Assembly and does he also accept some of the beatings that he gets are about issues that were not decisions of his?

Senator F.E. Cohen:

It is not a question of a risk, it is happening. There are a number of applications that have been rushed in, in advance of the new Island Plan, and there is a complicated question over how the Planning Department deals with an application that would be dealt with in one way under the old 2002 plan and another way under the plan which, of course, has not yet been approved by this House and, indeed, may not be. The current policy is that we balance the 2; but yes, there has been a rush and I understand why applicants have rushed to provide some certainty. But we are taking into account the principles of the, as yet to be approved, Island Plan.

3.12 The Deputy of St. John:

Of the I think approximately 38 amendments plus sub-amendments to the new Island Plan, could the Minister give us an indication, given we have many days' debate ahead of us, of the number that he is likely to accept prior to the debate coming ahead so we can get our ducks in a row?

Senator F.E. Cohen:

I have already sent out a provisional list to States Members - and I hope States Members have received it - of an analysis of which amendments I am proposing to accept. The matter will not be finalised until the E.i.P. (Examination in Public) second report comes out. I was expecting to receive a draft of that yesterday. I have not received it yet. The moment I have it, it will be sent out to States Members and I will be able then to give the total numbers of what is accepted. The instructions I have given to officers is to accept as many amendments and sub-amendments as possible; those that do not affect the principles of the Island Plan. But, to be very clear, I will be resisting vigorously all amendments to rezone land in the countryside. The plan was built on the premise of high-quality accommodation in the urban areas, the protection of the countryside, and I am not budging.

3.13 Deputy S. Power:

This is a third question in relation to Plémont. If the owner of Plémont applied to the Minister to refurbish the existing buildings, would he consider approving it?

Senator F.E. Cohen:

I would certainly consider the application, but I cannot say whether I would approve it.

3.14 Senator T.J. Le Main:

Does the Minister agree that Lesquende has had at least 8 or 10 schemes, many of them approved by Property Holdings, Housing and Planning officers, yet seem to be thwarted at every stage? Does he not agree that this is now a matter of urgency with the current need of finding homes for elderly people?

Senator F.E. Cohen:

There are a number of developments to deliver high-quality accommodation for elderly people. Indeed, there is some concern that there may, in fact, be too many coming on to the market at

one time. That is a concern to Parishes that I am aware of. Lesquende is somewhat of a sad case and I agree that it is a great shame that we are not there, but I would urge those departments involved with Lesquende to ensure that they bring forward a worthwhile application as soon as possible.