

## **2.11 The Deputy of St. Mary of the Minister for Planning and Environment regarding who made the decision to grant permission for the redevelopment of the former Portelet Holiday Village site:**

Can the Minister advise who is the chairman of the former Environment and Public Services Committee when the decision to grant permission for the former Portelet Holiday Village site was taken in 2004, which politicians were present when that decision was taken, whether the meeting was being chaired by the vice-chairman of the committee and, if so, why, and under what legal and policy framework this delegation was taking place.

### **Deputy R.C. Duhamel of St. Saviour (The Minister for Planning and Environment):**

An application for the redevelopment of the former Portelet Holiday Village was submitted by Bridgemere Developments Limited on 7th May 2004 (reference P.2004/0973). The decision to grant permission was taken by the Planning Sub-Committee of the former Environment and Public Services Committee on 10th August 2005. The Minister at the meeting recalls that the Members present were Deputy J.L. Dorey, Acting Chairman, Deputy J.J. Huet and Deputy M.A. Taylor. At the time of the decision, Deputy Dorey was the vice-president of the Environment and Public Services Committee and the acting chairman of the Planning Sub-Committee in the absence of the Constable of St. John, Richard Dupré. The Planning Sub-Committee, in approving the application, was acting under powers delegated to it by the full committee. These are scheduled within the Delegation Code of Practice dated 1st October 2004 which states: "The Planning Sub-Committee has the delegated authority of the Committee to make decisions under Island Planning Law Articles 6, 8, 10, 19 and 20" and so on.

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

In answer to written question 4 this morning, the Minister said that I was asking questions about the Jersey equivalent of the U.K. Planning Guidance under section 106 (1990) which I outlined derived, and still derives, U.K. Councils with 10 per cent of the value of flats that are built set aside for social housing. It is put down there in answers that under Senator Cohen's shift Portelet Holiday Village was approved, 46 flats and 7 houses. Even at the most minimal amount of money, we are looking £20 million worth of development so that would have been in the U.K. from 1990. We are talking about something that was passed in 2005, £2 million available for the States to build social housing and we have got a £600,000 bus shelter. Is this adequate?

### **Deputy R.C. Duhamel:**

If there is no bus service to that area, it probably was adequate but whether or not it was sufficient is something else.

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

Did they derive how many people are going to be living in these flats that are using the bus shelter, I wonder?

### **Deputy R.C. Duhamel:**

I do not have that information.

### **2.11.2 Senator A. Breckon:**

Could I ask the Minister to clarify in his original answer, did he say delegated powers were granted in October 2004 and when did the sub-committee make a decision?

**Deputy R.C. Duhamel:**

I said that the Planning Sub-Committee, in approving the application, was acting under powers delegated to it by the full Committee and these were scheduled under the Delegation Code of Practice dated 1st October 2004. The application was in 2004 but it was not decided upon until 2005.

**2.11.3 Deputy M. Tadier:**

Would the Minister advise whether the bus shelter represented its contribution to transport needs for the Island or whether there was a contribution to affordable housing?

**Deputy R.C. Duhamel:**

I am not sure how that supplementary arises out of the original question and I will answer the Deputy at a later stage.

**The Bailiff:**

Deputy of St. Mary, do you wish a final question?

**2.11.4 The Deputy of St. Mary:**

Yes, I do, now that I have absorbed the original answer. First of all, the answer did not answer the first part of my question: who was the chairman of the former Environment and Public Services Committee, the main Committee at the time, and I can add now at the time of the original application and at the time of the decision. The other thing that is difficult is these delegated powers which this Planning Sub-Committee operates under. Do those powers state that they take all the decisions on planning applications or was the full Planning Committee still the ultimate authority and still took major decisions and if they were the ultimate authority, why did they not take this decision?

**Deputy R.C. Duhamel:**

I think the question from the Deputy of St. Mary was somewhat ambiguous. I thought he was wanting to know who was the chair of the decision-making body.

**The Deputy of St. Mary:**

Not at all ambiguous, if I may say so.

**Deputy R.C. Duhamel:**

Well, I am taking it as ambiguous but I will answer it nonetheless. Senator Philip Ozouf was President of the Environment and Public Services Committee and also an elected member of the Planning Sub-Committee. However, he was not present on either of the 2 occasions upon which this particular application was discussed. The process under which planning decisions are made are threefold and I think the same system pertained then as it does now. There are officer delegated decisions; there are Planning Applications Panel delegated decisions and this was one of them and then there are Ministerial decisions. The bulk of the applications are taken by officers. The next major contributor to the decision-making process is by the Planning Applications Panel and a minor role is played by the Minister for Planning and Environment. The decision as to which particular category of decision-making body

takes the decisions is governed by the rules and regulations as taken, I think, by the Committee and by the Minister and, indeed, by the Head of the Planning Service.

**2.11.5 The Deputy of St. Mary:**

Was that appropriate that a site as big as Portelet was decided to be in the second category of decisions?

**Deputy R.C. Duhamel:**

I was not there at the time so I do not know, but all I can do is to hazard a guess to say that if indeed the Committee and those who were charged in determining which particular one of planning decision-making bodies was to undertake this particular decision, I am sure that they took it in good faith and in line with the rules and regulations for taking those decisions. Otherwise, they would not have been in office.