

2. Oral Questions

2.1 Deputy J.H. Young of St. Brelade of the Minister for Planning and Environment regarding the demolition of the former holiday camp at Plémont:

Does the Minister consider that the holiday camp at Plémont, which was abandoned by its current owners in 2000, is in a ruinous, dilapidated and dangerous condition and is damaging to the amenities of this part of the Island? If so, will the Minister inform the Assembly why neither he nor the former Minister have used their legal powers to secure the demolition and removal of the derelict buildings?

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

The Planning and Building Law does not define what a ruinous or dilapidated building is and the matter is therefore open to interpretation as to when these powers might be used. My own view is that it is appropriate and reasonable to apply the ordinary meanings to these words. On this basis, I consider it reasonable to adopt a position such that if the building is wind and watertight, it is unlikely to be in such a state of ruination or dilapidation as to trigger any action by way of the powers available to me under Article 84 of the Planning Law. I would, however, also wish to point out that the use of these powers is not related to any damage caused to the amenities of the Island by a ruinous or dilapidated building but rather to the condition of a particular building itself. Perhaps more significantly, in considering whether or not to use these powers, I would need to ensure that any actions that might be taken are necessary and that they are proportionate. In this respect, I would need to have regard to any intent that may be demonstrated by the landowner to deal with any potentially problematic sites before considering any legal intervention. In addressing the first point, the suggestion of abandonment, my department's view on this matter was set out in a statement of case at a recent public inquiry such that it does not necessarily consider the Plémont Holiday Village site to be abandoned in planning terms. The lengthy history of the planning applications at the site is an indication that the applicant company has not relinquished its interest in the site, nor its future, and has thus not abandoned the site or its use.

2.1.1 Deputy J.H. Young:

I thank the Minister for his answer. There are a lot of points there. To begin with, I would ask him to clarify his last comment that the Minister recorded the Planning Office's view at the inquiry that the use has not been abandoned and he says he supported that. Could he please confirm whether or not he considers that the criteria in the English case law on the subject, i.e., the condition of the building, the interim uses and the possibility of reuse, preclude that building being recovered and it is, in fact, abandoned? Will he clarify that in his own judgment, he is satisfied that the use has not been abandoned?

Deputy R.C. Duhamel:

As I am about to make a decision on the planning permissions that are being sought by the Plémont Holiday Village company, I do not think I am in a position to give a legal answer or an indication as to something which might be a material consideration in whatever events or outcomes that are caused by the decision that I might take.

2.1.2 Deputy S. Power of St. Brelade:

Would the Minister agree with me that this question is highly political and that there are far more ruinous dilapidated and dangerous buildings across the Island, including hundreds of vergées of derelict glasshouses and greenhouse sites? [Approbation] I would mention the Foot building at the back of the Co-op. in Charing Cross, the Le Seelleur building in Oxford Road and, indeed, I would mention the Fort Regent pool and the Jersey College for Girls. Would he agree with me?

Deputy R.C. Duhamel:

I think I probably would.

2.1.3 Deputy M. Tadier of St. Brelade:

Would the Minister acknowledge that the buildings at Plémont have trouble keeping out trespassers - let alone wind and water - and if the buildings at Plémont cannot be said to be dilapidated, does he think that there are no buildings in Jersey which are dilapidated and that we should perhaps just get rid of this piece of law because it seems completely redundant if the Minister is unwilling and unable to act?

Deputy R.C. Duhamel:

As to a glossary of terms that I have been given, it is suggested that a dilapidated building is likely to be a building in an extreme state of disrepair. It does not mention as to whether or not barbed wire fences or other things, which would be outside of the normal Planning Law, should be erected in order to keep persons who do not have permission to enter into a particular site from entering.

2.1.4 Deputy J.H. Young:

Could the Minister, in lay terms, tell us whether he thinks that the condition of those buildings up there are firstly a hazard in polluting that area from the reports he has got and, secondly, whether or not he feels that it is capable of being restored back to a holiday camp without a planning application being made? Would he tell us that please?

Deputy R.C. Duhamel:

I think the permissions to run a holiday camp at that site are well known and still remain as an alternative option should residential development not take place on that site. I am sorry, what was the other point?

Deputy J.H. Young:

Could he confirm that the site is, in fact, known to be causing risks of contamination and will that be taken into account in his future decisions?

Deputy R.C. Duhamel:

The preliminary investigations have taken place in previous years and there are schedules that have been presented to the department as part of the planning application. Indeed, any potential hazardous materials, should the site be refurbished or indeed rebuilt or put back to nature, will have to be remediated by the responsible authorities. That is all I can say at the moment.