

21.06.08

1 Deputy K.F. Morel of St. Lawrence of the Minister for the Environment regarding a public enquiry into the sale of Field MY966. (OQ.118/2021):

Will the Minister advise when he will initiate the public inquiry into the £1.65-million sale of Field MY966 which he stated in January 2020 would follow any application to extend quarrying into that field, given that such an extension is now proposed in the bridging Island Plan; and will he ensure that the inquiry examines whether, and how, information was exchanged between his department and the purchaser of Field MY966?

Deputy J.H. Young of St. Brelade (The Minister for the Environment):

The Minister for the Environment does not have powers to initiate a public inquiry into a sale of land. However, the Minister does have powers to initiate inquiries into planning applications and for that to happen the Minister must be satisfied that the development, were it to be carried out, would either have a significant effect on the interests of a substantial proportion of the public or be a substantial departure from the current Island Plan. It is important to note that any planning inquiry would not review information exchanged between the department and a purchaser but may consider information exchanged between the department and the applicant where it related to pre-application advice in respect of the use of the land.

3.1.1 Deputy K.F. Morel:

While putting Field MY966 into the Island Plan as part of the safeguard zone for the quarry extension, while that is not a planning application, does the Minister accept that by putting it into the Island Plan it looks like an endorsement from the Minister of that field being in there? As he had previously spoken about the inflated cost of that field, does he not feel now is the appropriate time for an inquiry into why that field has ended up in the Island Plan?

Deputy J.H. Young:

I think my role is to ensure that the planning process is open and transparent and the process for the proposed zoning of that field will be subject to the planning inquiry into the actual Draft Plan. Of course eventually the decision on the use of that field will be the States when the States debate that. Of course, the evidence base for its inclusion was set out in the Minerals, Waste and Water Study which was produced by Arup and published in December 2020 and that is the source of that work and of course it will be ultimately for the States to decide. I do not think there is any question of endorsement. What one purchaser and a vendor agree between themselves I think is essentially a private matter and does not fall within the scope of Planning Law to enquire into it.

3.1.2 Senator K.L. Moore:

Given the lack of consultation with local residents and the prior information circulated to Members that the site was destined for either a reservoir or a waste-fill site, would the Minister agree that a separate inquiry would be most useful to give both Members and members of the public a greater assurance as to the decision-making around this site?

Deputy J.H. Young:

I think the decision-making on its use, the public inquiry is already there on the draft plan to be able to do that. All of the evidence that was presented from all the different sources, they are all set out in the minerals strategy, it is an 80-odd page report that has been published for 5 or 6 months. I would suggest Members do read that because that sets out the conflicting arguments: the case of

water needs, the case of mineral extraction, the case for being able to provide for a construction industry. In the end, the recommendation was put forward in that report and that is in the draft plan. The inspector will go into that and if the evidence does not stack up, then it will not happen, it will be a decision for the States.

3.1.3 Deputy S.G. Luce of St. Martin:

My question follows on from Senator Moore. Given the importance of water in the coming decades, could I ask the Minister why he did not propose in his draft Island Plan that La Gigoulande Quarry be used as a water storage facility?

Deputy J.H. Young:

Because I think Arup's work - again I refer to the same document which is like a piece of evidence which I have relied on and I think it is reasonable to do so - pointed out that the Jersey Water do have other alternative options and they are listed in the document. But it is accepted there is a choice here and I think the issue that has also come in too is whether or not we have enough information to be able to make the decision at the present time. I think that it is a valid question and think the process for answering that is for the inspector and then the States after that.

3.1.4 The Deputy of St. Martin:

Does the Minister for the Environment intend to ask the inspector to make all the decisions?

Deputy J.H. Young:

Absolutely not. This is a very, very comprehensive plan and I think it has to be evidence-based. At the moment what we have done, we have had to vary the process, as the Deputy well knows, and lodge the plan earlier than normal and depart from the normal procedure.

[10:00]

Therefore, if you like, some people will get the impression that consultation is more rushed; I do not believe it is but nonetheless it will be my decision. If the inspector makes recommendations, I am going to listen seriously to them, I am not going to discount them.

3.1.5 Senator S.W. Pallett:

I wonder if the Minister could advise Members whether he or any of his officers have given advice either to the previous owner of this field or to the new owner of the field.

Deputy J.H. Young:

I think that is a good question. As I said, I can advise Members that if one reads the minerals strategy, which I did look through it last night to see whether this was covered, on page 19 it shows there was consultation between Arup and representatives from Granite Products Limited in February 2020 followed by written responses to their questions. I have not seen those letters and I have asked for them to be produced but there is no doubt about it, that I think there would have been some planning advice somewhere. At the moment, I do not have those details but I will make them available at a later date when I receive them.

3.1.6 Senator S.W. Pallett:

I think that advice is extremely important to get some clarity around why this purchase has taken place and the advice that was given. Would the Minister provide that advice to States Members once he has had a chance to review it?

Deputy J.H. Young:

Yes, entirely. I do think my role is to make sure the planning process is open and transparent. I will just point out that it is certainly not unusual; in fact, it is a normal part of the planning system that there is a procedure there for people to seek advice. Because that advice is always given without any commitment because as the Senator knows ...

The Bailiff:

I am afraid you have frozen, Deputy Young.

Deputy J.H. Young:

... this all happens or not.

The Bailiff:

I am sorry, I am afraid you froze about 15 seconds ago; not your fault, I am sure, but if you would like to repeat the last few seconds of your answer if it is amenable to that.

Deputy J.H. Young:

I was saying to the Senator, yes, I would make that advice available to Members. I do think the Senator should bear in mind that it is quite normal for any land owners or prospective purchasers to seek enquiries about the use of land from the Planning Department as a preliminary enquiry. But that advice is always given - always given - without any commitment because in this particular case, as it is very clear, the decisions will be made by the States Assembly.

3.1.7 Deputy K.F. Morel:

Does the Minister see this example as an excellent example of the Planning Department being in a position to massively affect the value of land in Jersey through its communications, through its decision-making? Could he therefore explain why he has not taken appropriate measures to capture the increase in value of such land as part of this Island Plan, given the role the Planning Department plays in land prices in Jersey?

Deputy J.H. Young:

I thank the Deputy and I am sure every Member of the Assembly will know that the value of land is generally, nearly always, strongly dependent upon the use that you can put it to and that the planning process is there to have an open and transparent process as to how we go about these decisions. I do accept that pre-application advice is a sensitive area and that is why I have said I will publish that information. But I do believe it is important to, for example, housing. If we prevented people getting advice, that would be a bad thing to do but it does need to be accessible in cases like this and I would agree to publish it. About tax, absolutely I agree, I have been arguing for this for a long time to take a share of the gain in value into the public purse for public purposes and previous Members have failed in that. There are proposals in the draft plan to have another go at that in a different form.