



# Scrutiny Matters



## Corporate Services Scrutiny Panel Jersey International Finance Centre Review

**FRIDAY, 20th MARCH 2015**

**Panel:**

Deputy J.A.N. Le Fondré of St. Lawrence (Chairman)

Deputy S.M. Bree of St. Clement

Deputy K.C. Lewis of St. Saviour

Connétable C.H. Taylor of St. John:

**Witnesses:**

The Minister for Planning and Environment

Chief Officer, Planning and Environment

Director, Planning Policy

Principal Planning Officer

[14:01]

**Deputy J.A.N. Le Fondré of St. Lawrence (Chairman):**

All right, welcome everybody to the first hearing on the Jersey International Finance Centre Review with the Minister for Planning. Minister, thank you very much for coming today. If I do announcements first, there is a notice which I will read out for those of you who probably have not

been here before. Scrutiny and P.A.C. (Public Accounts Committee) hearings, code of behaviour for members of the public. Please remember that is a working government building, please switch off all mobile phones and electronic devices to silent mode. If you have to leave at any part in the hearing can you leave quietly, please, and taking visual images and audio recordings by the public is not permitted. Nor is eating or drinking or interfering with the proceedings in any way in terms of speaking, shouting out or passing notes. When obviously we close the hearing could you leave the room quietly? Any communications with scrutiny, P.A.C Members, officials or witnesses should take place outside of the room. In the event of any disturbance the relevant person will be asked to leave and the Chairman may suspend or adjourn the hearing. Obviously there are notices on the wall as well to that effect. For the purpose of the recording, we will just go around and do voices. I am Deputy John Le Fondré, Chairman of the Corporate Services Scrutiny Panel.

**Connétable C.H. Taylor of St. John:**

I am Constable Chris Taylor, a Member of the Corporate Services Scrutiny Panel.

**The Minister for Planning and Environment:**

Deputy Steve Luce, Minister for Planning and Environment.

**Chief Officer, Planning and Environment:**

Chief Officer, Environment Department.

**Principal Planning Officer:**

Principal Planning Officer.

**Director, Planning Policy:**

Director of Planning Policy.

**Deputy K.C. Lewis of St. Saviour:**

Deputy Kevin Lewis, Member of the panel.

**Deputy S.M. Bree of St. Clement:**

Deputy Simon Bree, Vice-Chairman of the panel.

**Deputy J.A.N. Le Fondré:**

Thank you very much. Okay, Minister, thank you very much for coming to see us today. What we are essentially trying to do is start getting some facts gathering, an attempt at some clarification of some of the issues we have gleaned out so far and obviously from the perspective of the planning

process, and the Esplanade Quarter and the master plan. So just to kick off. What planning applications have been received to date by planning in relation to the Esplanade Master Plan?

**The Minister for Planning and Environment:**

Thank you, Deputy, for that. I think obviously you will be aware there is a live application on the waterfront at the moment so anything to do with that I will not be able to answer. Seeing there has been an awful lot of history and there are some people to my left with far more knowledge than I have, I hope you will forgive me if I pass on those sort of questions, of which I am sure there will be quite a few, to my officers. So I will do that, if I may.

**Deputy J.A.N. Le Fondré:**

If you can. Some of these hopefully are going to be very short, sharp and just the facts.

**The Minister for Planning and Environment:**

No, I am happy to answer what I can.

**Deputy J.A.N. Le Fondré:**

Good.

**Principal Planning Officer:**

Chairman, I am quite happy to furnish you with this list if you want it kind of long hand, but I will take you through it in chronological order as well. We have got application P/2008/160, that is an outline planning application that was approved in July 2010 and granted permission for the mixed use scheme across the whole of the sites, including 620,000 square feet of offices, 388 residential apartments, self-catering units, restaurant, boutique hotel, et cetera. It also included the new underground road and associated other infrastructural works. That application was determined after a public inquiry and, as I said, that was approved in July 2010. We have a parallel application for below ground works, application P/2008/1681 submitted in August 2008 and that was for detailed planning permission for excavation and other enabling works to form basement car parks plus the underground road. That application, Chairman, has never been determined. Moving forward, we then had the application for building 4, P/2012/1141, and that was granted permission in August 2013 and it was a full application for the first of the office buildings on the north east elements of the current Esplanade car park. It is approximately 800,000 square feet gross internal area. It included other landscape works and the relocation of car parking to the south side of La Route de la Liberation. That was 1st August 2013 and was followed closely by application for building one, P/2013/0993, that was granted in January 2014, it is a 6-storey office building approximately 120,000 square feet, 38 car parking spaces and one basement. And the same arrangements for temporary car parking, that is building 4. Alongside that was application

P/2013/1209 and that sought permission for 520 space underground car park on land to the south of building 1. That application was granted on 16th January 2014. As the Minister, says, Chairman, we now have an application for building 5, P/2014/2192, and that brings up to date with the chronology.

**Deputy J.A.N. Le Fondré:**

Great, thank you. Can I just ask one specific question, you made reference to the 2010 overarching planning approval, what is the status of that particular application? It was approved, how long has it got left to run?

**Principal Planning Officer:**

I believe that was a 5 year consent, standard permission, so if it was granted in July 2010 that lapse in July of this year.

**Deputy J.A.N. Le Fondré:**

Thank you. In the case of the individual buildings, are those effectively individual applications in their own right?

**Principal Planning Officer:**

Exactly that, Chairman, they are full applications in their own right.

**Deputy J.A.N. Le Fondré:**

Okay.

**Deputy S.M. Bree:**

With all of these applications coming in how does the department take into account the overall master plan for the Esplanade Quarter when looking at individual applications?

**The Minister for Planning and Environment:**

There is a master plan which has been agreed and certainly in this first section of the office blocks in this particular part of the master plan there has been a number of different phasings and the way I look at it is very much like opening a door where you have a keypad and you get 6 numbers you have to put in and you turn them and you open the door. A lot of these doors these days ... it does not matter which order you push the key pad provided you have got the 6 numbers, you turn and it opens. The first phasing of the master plan, and I am sure the officers will have a view as well, there is no requirement that the phasing has to be in any particular order. The master plan is a vision, it delivers something ... it is a policy that we want to deliver and quite how we get to the

end result is a detail which is not specified in the exact terms. We are doing it in local chunks. Provided the end goal is achieved at the end of the day that is the important thing.

**Chief Officer, Planning and Environment:**

In terms of the assessment of an application when it comes in, John has been close to this as he does the actual practical assessment, but in general terms the master plan is supplementary planning guidance. It sits for a wider area, so it is the guidance for the site and the simple job is to assess the application and assess it whether it fits with that guidance. That is the job that the planning process undertakes in simple terms.

**Deputy S.M. Bree:**

So just to confirm, the status of the master plan, as far as the department is concerned, is a vision not a legally binding obligation?

**The Minister for Planning and Environment:**

Yes, we cannot force anybody to do anything. It is just like the North of Town Master Plan, we cannot force anybody to do anything that is in the North of Town Master Plan either, but it is a vision of how we would like that part of town to develop and it gives an idea of how things could look in the future.

**Deputy S.M. Bree:**

Okay, thank you.

**The Connétable of St. John:**

Yes, following on from the master plan, what is the hierarchy? In other words, which takes in your decision making precedence, the master plan, the 2011 Island Plan or the planning application as in front of you?

**The Minister for Planning and Environment:**

The officers will deal with that but they come in chronological order, I would think.

**Chief Officer, Planning and Environment:**

They do. The Island Plan sets the overall planning policy framework for the Island as a whole, it sets out the spatial strategies that we apply and a whole host of different policies that apply to certain aspects of land use. That will set the context for what we expect to happen in St. Helier and, if you like, the sort of spatial strategy. In simple terms, in terms of office space, that would say that we build offices within the central part of St. Helier. The master plan is a piece of supplementary planning guidance. It is supplementary to the Island Plan and that sits, in the true

sense of the hierarchy, it sits beneath the Island Plan as a guidance document published by the Minister, although in this case we took this supplementary planning guidance to the States Assembly. We do not have to do that but the Minister at the time thought it was of such import that really the States Assembly should have a view on it. So that technically sits beneath the Island Plan, and then the planning applications themselves are independent, if you like, beings that come in to be assessed against the supplementary planning guidance and the Island Plan. So they are the satellites that revolve around the planets so to speak.

**Deputy J.A.N. Le Fondré:**

Just a detail, Policy E2, as I am sure you will know, refers to the Hopkins Master Plan of April 2008, has the master plan been amended?

**The Minister for Planning and Environment:**

I would rather not answer that one.

**Director, Planning Policy:**

The master plan was subject to a ministerial decision back in 2011. It was taken by Senator Cohen at the time. So while the original master plan was approved by the States in 2008 it was subject to revision in 2011 through a ministerial decision.

**Deputy J.A.N. Le Fondré:**

Can you give a very brief summary of what the amendment was?

**Director, Planning Policy:**

Essentially the amendment changed some of the configuration of the buildings on the site. There was a particular change to the eastern end of the site, a change in the configuration of the buildings and the open space. That amendment also raised the issue of phasing and made clear that the sinking of the road would not be the first element of construction of the master plan. But that was made by ministerial decision and that decision has been in the public domain.

**Deputy J.A.N. Le Fondré:**

As a question, just to understand it, is the fact that the Island Plan obviously makes reference to a specific iteration of the Hopkins Master Plan, if that has been changed should there have been some sort of the consultation process that went through the Island Plan or not? If not, why not?

**Director, Planning Policy:**

The Minister can issue supplementary planning guidance under Article 6 of the Planning and Building (Jersey) Law and provided that accords with the principles of the Island Plan then the Minister does not have to revise the Island Plan itself.

**Deputy J.A.N. Le Fondré:**

So the fact the iteration in there is specifically identified is not relevant to ...

**Director, Planning Policy:**

That is right.

**Deputy J.A.N. Le Fondré:**

Whose responsibility is it to deliver the master plan?

**Chief Officer, Planning and Environment:**

I am not sure there is any responsibility to deliver a master plan.

**The Minister for Planning and Environment:**

No, applications come in and if they fit in with the master plan ... normally the procedure is if you submit an application which is in line with policy under normal circumstances you are entitled expect a favourable decision.

**Deputy J.A.N. Le Fondré:**

What I mean is it is not the Planning Department's responsibility one assumes, so is it the responsibility of effectively the S.o.J.D.C. (States of Jersey Development Company) or the landowner, if one wants to us that analogy?

**Chief Officer, Planning and Environment:**

You go back to what are the purposes of master plans. The Minister has already referred to ... we have got a second master plan in the town, again a recent master plan which is North of Town. There are a multitude of ownerships within that master plan. I would not say that anyone has overall responsibility to ensure that it all gets delivered. I think the responsibility of the planning authority is to make sure that when development proposals come forward, we are responsible to make sure that they comply or they sit within that master planning framework. So I do not think we can say that anyone has complete sole responsibility to deliver the master plan. The States ultimately has agreed that this is how it would like the area to look in development terms and ultimately the master plan's job to catalyse development activity.

[14:15]

**The Minister for Planning and Environment:**

At the end of the day you can have as many master plans as you like, if the individual owners decide they do not want to build anything within those master plans, you cannot force them to do so. In other words ...

**Deputy J.A.N. Le Fondré:**

But that would be the States in this instance would it not? Because the States is ultimately the landowner of this particular piece of land.

**The Minister for Planning and Environment:**

The Jersey Development Company bring forward the application, we treat them in the same way we would treat any other developer.

**Deputy J.A.N. Le Fondré:**

Yes, okay. All right, I will try and keep on the time so we will keep moving fairly swiftly forward. This is a bit of a long sentence here but you can say yes or no presumably. I want to confirm the wording of condition 34 on the planning permit for building 4, okay, which hopefully John or somebody will have to you. It says: "Prior to the commencement of the development a phasing plan shall be submitted to and agreed in writing by the Minister for Planning and Environment. That phasing plan shall include details of the timetable for the delivery of the wider Esplanade Quarter works beyond phase 1 (the Jersey International Finance Centre) to include the sinking of La Route de la Liberation and the balance of the works in the approved master plan for the Esplanade Quarter as amended. Thereafter the Esplanade Quarter works will be undertaken in accordance with the agreed phasing plan." Correct?

**Principal Planning Officer:**

I believe that is correct.

**Chief Officer, Planning and Environment:**

Sounds like one of our conditions.

**Deputy J.A.N. Le Fondré:**

Yes, that is fine. Second point, it is just again to confirm wordings - and I will explain why in a second ...

**The Minister for Planning and Environment:**

I take it, Chairman, that is just a copy of one of the conditions that you have lifted straight off the ...

**Deputy J.A.N. Le Fondré:**

Yes, that is straight off ... and just doing it on the record. The second one is a letter that was sent to John Nicholson on 18th December 2013, which is off your website, makes reference to: "To discharge condition 34 of planning permit P/2012/1141, please find enclosed 2 copies of a document entitled 'Esplanade Quarter Master Plan phasing report December 2013'." Somewhere in there, or shortly thereafter, it says: "Phase 1 will deliver 470,000 square feet of office accommodation out of the 620,000 square feet envisaged by the master plan." Further down from that: "It is estimated that phase 1 will generate in the order of £40 million." No need to comment on it, but if you can just confirm that is the accuracy of those comments there?

**Principal Planning Officer:**

I have the same letter, yes, Chairman.

**Deputy J.A.N. Le Fondré:**

Yes, okay, brilliant. This is again just to get the parameters sorted out, is phase 1 therefore the Jersey International Finance Centre?

**Principal Planning Officer:**

The title of phase 1 is given by the developer, it is not a phasing that we have set, Chairman, but that is correct, it is the 6 buildings which sit on or are proposed to sit on the current Esplanade car park site.

**Deputy J.A.N. Le Fondré:**

Thank you. So phase 2, therefore, is the rest of the master plan?

**Principal Planning Officer:**

Balance of the works, correct.

**Deputy S.M. Bree:**

With regard to the planning permission permit that you gave, P/2012/1141, which is building 4 of the International Finance Centre, with reference to the recent clearance work undertaken by S.o.J.D.C. from a planning point of view, can you confirm that as far as you are concerned development has commenced on that particular permit?

**Principal Planning Officer:**

I can answer that one. Yes, development has commenced on that permit.

**Deputy S.M. Bree:**

So you are confirming quite clearly that as far as you are concerned development has commenced?

**Principal Planning Officer:**

Yes, aside from the landscape works there are other works authorised under that permit, principally the temporary car park.

**Deputy S.M. Bree:**

Okay, thank you. Are you aware, as a department, that the States of Jersey Development Company in commencing development are not fulfilling one of the conditions they are allowed to develop under, namely that they had pre-let agreements in place?

**Chief Officer, Planning and Environment:**

I can answer that. Ultimately I think the conversation or the commitments that the development company have made with the States is not a matter for us in the planning process, that side of the discussion.

**Deputy J.A.N. Le Fondré:**

So that is a distinction again probably between the role of a landowner and undertakings against the landowner and the role of the Planning Department?

**Chief Officer, Planning and Environment:**

Yes, the undertakings between, in effect, the developer and the client, they are not conversations that we will enter into.

**Deputy S.M. Bree:**

Okay, so just to confirm that that is the state. With regards to P/2012/1141, evidence has obviously come to light that one of the conditions, or a number of conditions, of that permit have been broken by the developer. Could you give us your views on that, please?

**Chief Officer, Planning and Environment:**

Would it be helpful to say which conditions you want us to give a view on?

**Deputy S.M. Bree:**

I would like you to just give us your views on the evidence that has come to light that conditions have been broken.

**Chief Officer, Planning and Environment:**

I think we have issued letters back into the public domain as to ultimately works were undertaken on the site, those works have the benefit of planning permission. I think we have had a conversation with the applicant in this case as to the timing of other pieces of information we expected to allow conditions discharge. So as far as I am aware all of the relevant information is now with us and those conditions are now discharged.

**Deputy S.M. Bree:**

So, just to confirm, you are quite happy that the developer has broken no conditions pertaining to that particular permit.

**Principal Planning Officer:**

The department have discharged all the conditions that relate to works that have commenced. There are other outstanding conditions on the permit that do not relate to any element of works that have commenced.

**Deputy S.M. Bree:**

You did not actually answer my question. I said are you, as a department, quite happy that no conditions have been breached on that permit to date with the work that has been carried out?

**Principal Planning Officer:**

I am not sure I can answer that on behalf of the department. We have a complaint, we have a current complaint about breach of conditions and the matter with our compliance team for their investigation. Until the compliance team report back it will be premature to speculate as to the department's final conclusions.

**Chief Officer, Planning and Environment:**

Yes, we are certainly aware there is a dispute between the timing of works that have been undertaken and the information that was required to discharge certain conditions for those works. So we are currently in a process of assessing those works and the timescale of the information we have received. Ultimately the information we have required is now with us and the conditions are discharged but we have had a ... there is an administrative discussion going on as to how much of that information should have been with us before some of that landscaping was taken out.

**Deputy S.M. Bree:**

I just want to go back, if I may, very quickly, just to confirm one point, which I find rather ambiguous. The Planning Department have confirmed that development has commenced as far as you are concerned under the permit given for building 4. The landowner, the States of Jersey and ultimately the public of the Island of Jersey, imposed certain conditions on the developer before commencement of that development. As far as Planning are concerned, whatever goes on between the landowner and the developer is not your concern?

**Chief Officer, Planning and Environment:**

That is correct.

**Deputy S.M. Bree:**

Is that correct?

**Chief Officer, Planning and Environment:**

Yes, that is fine.

**Deputy S.M. Bree:**

I just wanted to clarify.

**The Minister for Planning and Environment:**

I think it is important that you also look upon it from a different angle, a private owner engages a developer and that developer undertakes an application with the department. The fact that the States are involved is irrelevant, it is the same relationship just it is easier to take the States out and look upon it as an arrangement between the landowner and the person the landowner engages to undertake the development on the landowner's behalf. The department sits as a third party away from any arrangements.

**Chief Officer, Planning and Environment:**

I think we have to maintain that relationship because it is the independence and the planning system ultimately that is maintained. We cannot act with fear or favour depending on ... we cannot make planning decisions in relation to who the landowner is or who the developer is. It is a planning matter that is assessed on the planning material considerations.

**Deputy S.M. Bree:**

Okay, thank you.

**Deputy K.C. Lewis:**

Minister, mixed us question. When did Planning become concerned about the potential that the mixed use requirement of the master plan is being compromised? When is the tipping point reached and how will you set about enforcing it?

**Chief Officer, Planning and Environment:**

Well, ultimately the master plan itself and the outline planning consent sets a vision for what we think the balance of use is across the site or the sites are. We would only really be able to assess if something else is occurring until we see all of those other development proposals coming forward. So to date we have seen applications for the office content of the master plan, we have not yet seen, as John mentioned earlier, what the master plan and outline consent covers. It covers a whole range of other uses. So we have not yet seen applications for some of those other elements. A winter garden is mentioned obviously in the master plan, a hotel is mentioned, residential elements are mentioned. So in terms of the tipping point, I guess it would not be until we see other applications pursuant to the master plan which would give us an indication whether these are in line with the master plan or not.

**Deputy K.C. Lewis:**

But at what point does it become a condition of a planning permit that X or Y will be done. This is an example of, say, thinking of the road. I know there is a live planning application that we cannot talk about, so just the sinking of the road.

**The Minister for Planning and Environment:**

I think we have already agreed that phase 1 is involving the office block and everything else is in phase 2. So if the applications come ... any application which comes forward which is in line with the Island Plan and supplementary planning guidance is entitled to a favourable response if it fits in with policy.

**Deputy J.A.N. Le Fondré:**

Can I come in with a slightly different example, I suppose, which is the public underground car parking? There is obviously a requirement I think that there is a certain number of spaces retained, whether it is on the Esplanade side or on the temporary side all the way through, but at what point do you insist that car parking comes in. I understand that you have kind of felt that a building ... the first building, let us call it building 4, is unreasonable to impose a requirement to put the car parking in place, but is it at 2, is it at 3, because if it is at 6 you have already built it. In other words, how do you address that to ensure that the key components of the master plan are introduced?

**Chief Officer, Planning and Environment:**

I think the principles for the conditions or the legal agreements that are set around planning permissions are there to maintain the public benefit and to mitigate the impact of development so certainly in terms of conditioning the requirement for public spaces, we would ultimately take the view that X number of spaces need to be maintained while development is going on until they are re-provided.

**The Minister for Planning and Environment:**

Having that, provided the number is maintained there is the other issue which you have already raised, Chairman, the fact that if you build all 6 offices it would be extremely difficult physically to access the site or the underground car park, so one would envisage, I am sure, that the underground car park would be finished before the sixth building is constructed.

**Deputy J.A.N. Le Fondré:**

But at what point do you ensure that the major elements to the public are going to be achieved and you do not just end up with 6 office blocks and that is it? There must be a thought process in the Planning Department.

**Chief Officer, Planning and Environment:**

Ultimately so far we have seen applications for building 1, building 4, building 5, underground car park, that underground park ... we are seeing various bits of the master plan coming in. Again, it comes back to Deputy Lewis' point around at what point do we think there is a tipping point away from the master plan vision or not. We are certainly not at that point. The applications we have seen so far fit in with the vision that we and the States have agreed. I guess we do not know what we do not know yet. If an application comes in and it departs from the master plan that would be a conversation we would have at that time.

**The Minister for Planning and Environment:**

I think I know where you are going. If an application came in which physically shut off the site for the underground car park from the Esplanade, I think it would be very logical for the department who are involved in planning and looking to the future to say: "There is an issue here, you are not going to be in a position to deliver the first phase" and I would have thought there would be a lot of questions asked as to the permission being granted for a building which could potentially seal off that site from physical access to the developer.

**Deputy J.A.N. Le Fondré:**

I suppose the question then is that obviously you have allowed temporary car parking, you do not necessarily want temporary car parking to be there for 10 years, I would imagine?

**The Minister for Planning and Environment:**

No, and the idea is the temporary reverts to not being what it is at the moment ...

**Deputy J.A.N. Le Fondré:**

Well, it gets built on.

**The Minister for Planning and Environment:**

... and people park in the underground car park.

**Deputy J.A.N. Le Fondré:**

So you do not necessarily have an idea at this stage whether it is ... or is it dependent on the phasing plans?

**The Minister for Planning and Environment:**

The first idea of the phasing plan was that the officers would ... the underground car park would be delivered at the end with the last buildings that were being put up. Obviously there has been some applications which might change that phasing plan and, as we have said previously, provided we end up with our car park in our office blocks at the end of phase 1, how we get there can be changed. This is where we are ending up, whether we go this way or this way, provided we get to what we want at the end, that is fine. Obviously there has been some changes in the phasing that the application ... they way they have come forward but the ultimate aim will be we will achieve phase 1 before we move on. If we cannot achieve phase 1 ... well, we would not put ourselves in a position of granting an application a favourable decision if it was going to mean we could not achieve phase 1, obviously.

**Deputy J.A.N. Le Fondré:**

Okay.

[14:30]

**Deputy S.M. Bree:**

Sorry, I am slightly confused here because with reference to an earlier answer that you gave to a question about how do you take into account the master plan for the Esplanade Quarter when granting permission or denying permission for an application on phase 1 of the overall master plan you said it was a vision. Now, what you are saying now is that if an application came in that meant that that overall vision could not be delivered, you would deny it?

**The Minister for Planning and Environment:**

No, the overall vision is a much bigger thing which involves the sinking of the road and other buildings and retail, we are talking specifically about the first phase of the master plan.

**Deputy S.M. Bree:**

So you do take the master plan into consideration?

**The Minister for Planning and Environment:**

Which says there will be a number of offices in this particular part of the ... tell me if I am wrong, on this particular part of the site it has been decided that there will be a number of offices and there will be some public realm, there will be an underground car park. Now, that has been decided and that all fits in with the policy and if the applications come forward and that fits with policy the applicants are entitled to a positive answer.

**Deputy S.M. Bree:**

So at what point will you require the developer to deliver the underground car park?

**The Minister for Planning and Environment:**

At a point where it would ... well, if it becomes obvious that granting a positive permission would make it impossible to build the underground car park I would expect the department not to grant that permission.

**Chief Officer, Planning and Environment:**

Yes, we assess every application against the guidance that we publish and then the overarching Island Plan. But in this case, the S.P.G. (Supplementary Planning Guidance) is the master plan document so we assess applications against that framework. So if we ultimately start seeing planning applications which depart from the master plan then we are entitled to say no to those because we are departing from the published guidance of the States.

**Deputy J.A.N. Le Fondré:**

If I can just keep going slightly. It is an area of detail that at the very least you probably would like the opportunity to answer and might just help clarify it in our minds as well. I am going back to that letter I referred to which is the 18th December 2013, the phasing plan. That specifically referred to the phasing plan in December 2013 and discharging condition 34. That particular phasing plan brings the public underground car parking and is part of the construction at that point of building 1 and building 4, yes?

**Principal Planning Officer:**

It did, that is right.

**Deputy J.A.N. Le Fondré:**

So does that not mean that the planning permit for building 4 effectively tied S.o.J.D.C., the developer, into providing underground car parking much earlier?

**Principal Planning Officer:**

I think at that time that was exactly what the applicant company set out to us in discharging that condition. Just in general terms in relation to conditions, there is nothing to preclude any developer from having a second phase of submissions that edit or vary their first set of information to discharge a condition. For example, if someone ... if we reserved the details of materials on a building, a developer could come to us and say: "I would like to use this particular type of granite" and then 6 months later they can say: "Hang on a minute, there is a problem with my contractor, I would like to use this type of granite." So the information which is discharged is discharged on the basis of those facts at that time.

**Deputy J.A.N. Le Fondré:**

I suppose really what I am curious about is that the wording of 34 says: "Thereafter, this may cause the work to be undertaken in accordance with the agreed phasing plan." I suppose what I am getting to is if the agreed phasing plan was the one that was attached to that letter, do you not then need to either revisit the application or something if they submit a new phasing plan?

**Principal Planning Officer:**

The applicant may wish to do that.

**Deputy J.A.N. Le Fondré:**

Have they done that?

**Principal Planning Officer:**

That applicant has submitted in the current application for building 5 a varied phasing plan. My position as a professional planner would suggest that if building 5 is approved they would then come back and vary the phasing plan for building 4 so that it synchronises with the phasing plan which was accepted for building 5. But we are not yet at that point.

**Deputy J.A.N. Le Fondré:**

Okay, so basically at the moment what we have is that building 4 phasing plan is the one that exists and should be being followed?

**Principal Planning Officer:**

Also building 1, they have the same phasing plan, yes.

**Deputy J.A.N. Le Fondré:**

Yes. But what you are saying is that it could be superseded if you approve building 5?

**Principal Planning Officer:**

Yes, if the applicant seeks to rephase their developments on the basis whatever change in circumstances, then we are pragmatically open to their suggestions as to how that might be realised.

**Deputy J.A.N. Le Fondré:**

Okay, technical query again, because it has been raised with us and I just want to get the response at this stage, is that within the ... and I do not want to get ... so if I am going anywhere near consideration of a live application then I am sure you will shoot me down, which is fine. But within the documentation that is online, there is a drawing which refers to a new tunnel, I think it is, under the road as part of the application for building 5. So if that is approved then that presumably becomes part of the phasing position? I can pass that across if that helps, it is just the blue arrow underneath there, it makes reference to a new 2-way carriageway, I think. The question that comes out of that is in your consideration - let us put this way around - would it be reasonable to assume you would look at that to see if that has any impact, for example, on the ability to lower the road or, for example, on the costings that might come out in terms of the natural liability side?

**Principal Planning Officer:**

Yes, you are quite right. I am afraid I am not totally familiar with this drawing. It would have been for a current application which has yet to be formally assessed, but it also refers to another detailed drawing, but this would appear to be in the same position as the existing underpass from the existing Esplanade car park. Yes, of course, in any application ... we did it for the application for the 520 space underground car park south of building 1, the park above it, we made sure during the determination of that application that it did not preclude any of the future phases of work which may be the sinking of the dual carriageway.

**Deputy J.A.N. Le Fondré:**

So that would be a consideration going forward?

**Principal Planning Officer:**

Yes, and we have also just done it for the Zephyrus project, which was just outside the drawing here on the south side of the temporary car park, where there was a questions raised as to

whether the proposed basement access to Zephyrus would be on or off the routes of the proposed redrawn underground link road. It was offline, it future-proofed options going forward and we would certainly make sure that that happened in building 5 if we were to take forward a positive recommendation.

**Deputy J.A.N. Le Fondré:**

Can I also just touch on the potential new phasing plan? Does that make reference to the underground car parking coming in after the fourth building? So effectively at commencement of the fifth building?

**Principal Planning Officer:**

It is considered as effectively after the fifth building.

**Deputy J.A.N. Le Fondré:**

After the fifth building?

**Principal Planning Officer:**

1E2 public car park, but before that we have buildings 2, 6, 3, 5 and 4.

**Deputy J.A.N. Le Fondré:**

All right, a question then briefly for the Minister or Chief Officer, is what basically happens if construction stops after the second building?

**Chief Officer, Planning and Environment:**

If it stopped?

**Deputy J.A.N. Le Fondré:**

Yes, for any particular reason, it might be supply and demand. It is meant to be a neutral question.

**The Minister for Planning and Environment:**

We have already got that situation in the North of Town Master Plan where we have got a number of large scale developments planned, some of which have not come to the table, some of which have. We may well find with the North of Town Master Plan we get 2 of the developments done and nothing ever happens. It could well be the same on the Waterfront Master Plan where 2 offices are built and nothing happens.

**Deputy S.M. Bree:**

Sorry, can I just pick up on one point, and it is something that I seek clarification on about the conditions on a planning permit? I know we have covered it before and I just want to get it clear in my head, the phasing plan, condition 34, which the Chairman referred to, quite clearly lays out the sinking of the road, the balance of the work in the approved master plan for the Esplanade Quarter as amended. From what you are saying the developer can change his phasing plan with his next application which overrides the condition that you have placed on the previous application, is that correct?

**Principal Planning Officer:**

Not quite.

**The Minister for Planning and Environment:**

We must not get our phasing and our phasing plans confused. There is a phasing plan for the office and the underground car park, but that phasing plan is the first phase of the development, okay? So I hope we are not confusing you with the rephasing of the phasing of the offices and the underground car park with the phasing of the sinking of the road and the further development. Because the master plan, I am correct, says that the first phase of the master plan is the offices and the underground car park.

**Deputy S.M. Bree:**

No, no, I understand that entirely. What I am saying is that the wording of your condition quite clearly states that phasing plan shall include details of the timetable, et cetera, to include the sinking of the road. What you are saying is that you are allowing the developer to determine that phasing plan. You are not setting it as a condition?

**Principal Planning Officer:**

The developer requires ministerial agreement to that. So if the developer submitted a phasing plan which did not show all the elements of the work, then the Minister would be quite entitled to say: "I am not accepting this as a phased plan, this condition is not met, I am not content with the situation." But that is not what happened in this instance. The first phasing plan, as submitted in December 2013, was accepted. Beyond this we are speculating as to what building 5 may or may not do to the phasing because building 5 is not yet determined. If the committee approve building 5 and it does have a different phasing plan, the developer would then have to come back with a revised phasing plan to alter their submissions previously made for condition 34 of the building 4 application.

**Deputy J.A.N. Le Fondré:**

There is nothing to stop them doing that?

**Principal Planning Officer:**

No, as there is nothing to stop them substituting a different set of materials, a different lighting system, et cetera.

**Deputy S.M. Bree:**

We are talking about something a little bit more fundamental than materials and lighting here.

**Principal Planning Officer:**

Yes, but in any instance the variation would also need to be accompanied by justification as to why the Minister was going to accept that. So it is not necessarily a fait accompli but in the review of the current building 5 application that assessment will take place.

**Deputy J.A.N. Le Fondré:**

Connectivity, how crucial is connectivity in the overall scheme of the master plan? In the original thinking when it was put together?

**Chief Officer, Planning and Environment:**

Can I ask, connectivity to what?

**Deputy J.A.N. Le Fondré:**

Sorry to the waterfront and town.

**Chief Officer, Planning and Environment:**

Okay. I think it is an inherent part of the master plan, it does seek to join the town to our seaside, in effect, for want of a better description. I think there is a lot of assessment within the master plan that looks at views, that looks at connections and ultimately the sinking of the road and movement of the space into Les Jardins de la Mer, into that area was a key point of the principles of the master plan.

**Deputy J.A.N. Le Fondré:**

So the sinking of the road was crucial from that perspective, is that right?

**Chief Officer, Planning and Environment:**

I think it is a practical need, if you are going to join up at grade and allow people to walk and cycle across, then you will see something has to be done with the road which is a large barrier to the

south of our town. So this was an attempt certainly to join up Les Jardins de la Mer in the bay into St. Helier. So, yes, I think it was a key part of the master plan.

**Director, Planning Policy:**

I think just to add to that, clearly one of the key principles that has been set out in the master plan since the master plan has emerged, but clear there has been a variation on a theme in terms of how you might deliver that. Clearly the iteration of the master plan that we had back in 2005 had a proposal to secure that connectivity through a bridge. That was then revised as part of new master plan that emerged in 2008, which obviously sought to sink the road and secure a greater level of connectivity by virtue of the fact that the severance that is created by the highway was removed.

**Deputy J.A.N. Le Fondré:**

I was digging them out the other day but I remember listening to the speech of the Minister for Planning of the day and I am sure you will probably recall the words as well but he was absolutely adamant that the bearing of the road was the only way to achieve the connectivity, as is the bridge, would that be fair?

**Director, Planning Policy:**

I think certainly for the master planning project, you have just talked about the principle of connectivity and I think that successive master plans have sought to enshrine that that principle remains. Clearly there are different ways of delivering that and the current master plan talks about securing that through the sinking of the road.

**Deputy S.M. Bree:**

Very quickly, where a developer breaks a condition or does not meet a condition of a planning permit, what powers of enforcement do the Planning Department have.

**Principal Planning Officer:**

There are 2 general powers. There is a stop notice for works which require immediate cessation, and there would be a breach of condition notice for other works. In every instance we would assess what the harm has been, what the overall context of the breach is and we respond in a proportionate way.

[14:45]

**Deputy S.M. Bree:**

So how quickly from establishing that a condition has been broken to a stop notice being issued normally? What is the timeframe involved, just to understand it?

**Principal Planning Officer:**

A stop notice would be to intervene where there are serious actions which require immediate cessation. If someone was demolishing a listed building without the necessary consents or without the conditions, that would be something where we would serve a stop notice. There is an immediate risk of serious harm.

**Deputy S.M. Bree:**

So what does a breach of conditions notice do?

**Principal Planning Officer:**

That would highlight what harm has occurred and what condition has been breached, and it is an offence to not comply with breach of condition notice. In every instance it depends on which condition we are talking about and what breach has occurred.

**Deputy S.M. Bree:**

Okay, moving on slightly to a different area, is there any requirement in legislation with regards to planning permits that the Planning Department prior to granting permission has to be satisfied that the developer is financially viable, i.e. you have a very large development going on, do you look at that side of the developer?

**Chief Officer, Planning and Environment:**

I can answer this. The answer is yes and it does depend on the circumstances. So financial viability of a developer in a development can be a material consideration but it does depend on the materiality of that financial conversation. We had a conversation specifically on that point relating to the underground works and John listed the applications that we have had to date. One of those you would have noticed remains undetermined. At the time that was an application to undertake all of the physical beneath ground infrastructure works. Because of the determination of that application, the potential impact that would have had on the Island clearly the financial wherewithal of the developer to undertake the work and finish the works was certainly a material consideration. That is why that application remains undetermined because we needed a lot of financial comfort around that with the previous applicant, which we did not receive.

**Deputy J.A.N. Le Fondré:**

Have you had that conversation for the present developer?

**Chief Officer, Planning and Environment:**

We have not had an application of that scale which would warrant that debate. The application we have had subsequent are individual office buildings within a much wider framework. So the impact on the community of an application starting and not completing is far less impactful than all of that underground infrastructure being undertaken and a road being sunk. Frankly, if that had of stopped midway it would have brought the whole of the town and the Island to a standstill, hence the financial implications where a material consideration for us. Whereas a small application, a discreet office building within a much wider site, it just does not have that Island wide impact.

**Deputy S.M. Bree:**

Sorry, can I just pick up on a point there. So when you are dealing with States of Jersey Development Company, you are not looking at it with regards to the financial viability of the developer, you are looking at each individual application as a discreet application, ring-fenced, it has no impact on anything else? So effectively should the developer build just one building, which is building 4, and do nothing else as far as planning are concerned you are quite happy?

**The Minister for Planning and Environment:**

It is not for us to be happy or unhappy.

**Deputy S.M. Bree:**

Well, happy is possibly the wrong word to use but you are satisfied that they have met the conditions of that individual ...

**The Minister for Planning and Environment:**

There was a building as the top of the tunnel, alongside the roundabout at the top of the tunnel, got planning permission, was built, was unoccupied for years, it is nothing to do with the Planning Department, the applicant makes an application, if it fits in with policy it is entitled to an approval. The Planning Department have to stand back from a lot of these things and be fair to everybody. I mean I could ask my ... I am not sure if there has been any other applicant where we have asked details to see whether they had the finances available, any of the ...

**Chief Officer, Planning and Environment:**

No, it is often a very limited conversation around the financial viability and whether that is a material consideration. In many cases it is not, whether a developer has the money to build out a scheme or not is not an issue for the planning service or the planning process, however there are occasions where it is of such importance ...

**Deputy S.M. Bree:**

Because of the magnitude of the scheme?

**Chief Officer, Planning and Environment:**

... you need to understand whether that is the deliverable. So there are occasions where it becomes material, sometimes it is not. But I guess the emotion we would have if we do not ... we often have an emotional frustration, I guess, if we do not see some of our visions and guidance being delivered but a master plan could well be delivered over many, many years and sometimes master plans will see master plans in other areas, in other jurisdictions. Some of them are delivered out, some of them are not delivered out, it does vary.

**The Minister for Planning and Environment:**

As an aside, I could say from personal point of view I find it very frustrating, we have thousands of flats which have been approved that are not being built. We continue to have applications for flats and the difficulty is, you know, if somebody ... as I keep saying, if somebody puts in an application which is in line with policy they are entitled to an approval but there is no enforcement ... we cannot force people to build. It puts us in a very difficult situation.

**Deputy J.A.N. Le Fondré:**

I am going to stop there because I am acutely aware we have ...

**The Minister for Planning and Environment:**

Okay, I will stop there but in trying to plan for the future the one thing we cannot do is force people to do things which makes our job even more difficult when we have applications that are built and we continue to receive applications and people says: "Why are you granting permission? There are thousands of these already passed." We cannot force people to build them.

**The Connétable of St. John:**

If I could just follow on from that, if you look at the amount of office space that is currently passed from your department, there is over 1 million square feet, excluding the Esplanade Quarter for office space, grade A office space that has been passed by your department. In the pipeline, available if necessary. Is there really a need for additional ...

**The Minister for Planning and Environment:**

Is it available?

**The Connétable of St. John:**

It will be when the demand is there.

**Principal Planning Officer:**

I am not sure it is necessarily all grade A.

**The Minister for Planning and Environment:**

I was going to say, I am not sure it is all grade A.

**Chief Officer, Planning and Environment:**

I think what that demonstrates is the same example as the Minister is demonstrating on housing supply. The market will determine which of these schemes are built or not. We see that with housing permissions, we will see that with commercial permissions. So some of those will be more attractive ... the developers will be more attracted to some of those than others. Tenants will be more attracted to some of those than others. So it is the natural course of things that you will see a lot of landowners trying to pitch for the same demand, whether it be residential or whether it be commercial or retail. Some of those schemes will get built out, some will not. So there is often quite a large percentage of drop out planning permissions not translated into delivery, not everything is 100 per cent straight through to delivery on the ground.

**The Connétable of St. John:**

Yes, but 1 million square feet is roughly a third of the Island's office space. In other words, that is passed, it potentially could be built and that excludes the Esplanade Quarter.

**The Minister for Planning and Environment:**

The word "potentially" is the interesting word because we still have demand we cannot fill. We still have businesses relocating to Jersey where we cannot find offices for them and we are relocating States entities, if you like, in order to fulfil that demand. The demand is there.

**Deputy J.A.N. Le Fondré:**

Do you have evidence of that, Minister?

**Chief Officer, Planning and Environment:**

Well, we certainly gave evidence via our colleagues in Economic Development Department who will often come to ministerial hearings or planning committee hearings and say that.

**Deputy J.A.N. Le Fondré:**

No, it is okay, it is something we are trying to get a handle on and that observation has been made but the question is that ... because that is one of the issues and it is, to an extent, away from the planning process. We were commenting on what seems to be the available supply side, so you can confirm on the schedule that there is about 1 million square feet with planning permission ...

**Chief Officer, Planning and Environment:**

Correct, yes.

**Deputy J.A.N. Le Fondré:**

Can I just say it is over 350,000 if you exclude J1, Esplanade Quarter and even the building that has been started next to the Grand Hotel? So obviously we just wanted to get to the facts of that is the confirmation. But have you had representations to Planning that say that people are coming here and not being able to be housed in terms of office accommodation?

**Chief Officer, Planning and Environment:**

Yes, we have. We have had that comment made by our Economic Development Department on a number of applications to say this is absolutely required, this office scheme or that office scheme, because we have a need for inward investment.

**Deputy J.A.N. Le Fondré:**

Have they quantified how much demand they are now seeing?

**Chief Officer, Planning and Environment:**

They have not, but it is often a conversation where ... we have 2 levels at the moment. We have a domestic demand. We obviously have a lot of domestic demand led by people who are already in building and tenancies who are coming to an end and there is a demand to be satisfied there in terms of upgrading of office space. I guess the inward investment question is an unquantified unknown. It is something that the government, or colleagues outside of our department, do a lot of work on in terms of attracting business to the Island through Locate Jersey, et cetera. I think it is fairly clear they are saying if there was more of a product available they would be able to offer the Island more strongly. We often have that conversation with them. They will make representations on office schemes and they do not favour one or the other, but they just want to see more grade A office space built.

**Deputy J.A.N. Le Fondré:**

Okay, so they are talking in the quantum then rather than any specific scheme?

**Chief Officer, Planning and Environment:**

Yes, I think what I can say is it is a fairly consistent response we have to any grade A office scheme. The Economic Development Department will be very much in support of it in principle because we have got a need for greater grade A office space.

**The Minister for Planning and Environment:**

Of course we continue to see applications for grade A office space from outside the ...

**Deputy J.A.N. Le Fondré:**

Yes, obviously you have got the map there which we have as well. Okay, that is obviously something we are going to try and follow up on.

**Chief Officer, Planning and Environment:**

Yes, we get the passing end of that conversation obviously because we get representations but ...

**Deputy J.A.N. Le Fondré:**

We need something a little more scientific.

**Chief Officer, Planning and Environment:**

But I assume our colleagues in E.D.D. (Economic Development Department) would be able to give you some evidence on certainly their inward investment behaviour and activity as to what they are seeing as demand from off Island.

**Deputy J.A.N. Le Fondré:**

I am sure they will thank you for the recommendation. Right, can I pass to Kevin then quickly on planning obligation agreements.

**Deputy K.C. Lewis:**

We have touched lightly on this. Planning obligation agreements, what are they and how do they work. What is the status of the 3 planning obligation agreements currently in place with regard to the Jersey International Finance Centre, Esplanade Quarter?

**Chief Officer, Planning and Environment:**

Can I ask John to give you a bit of principle as to what a planning obligation agreement is? Certainly it is a legally binding agreement, it is a legal agreement between the parties and the Minister, often to deliver something of public benefit. We often find it is necessary to do that in more legal context and it often covers much weightier things that we would put in a planning condition in simple terms, but John can give you more detail.

**Principal Planning Officer:**

A planning obligation agreement deals with impacts of a development which might not be found on that development site. Conditions can be applied where they represent works that come from the application. There may be wider implications in agreement. It is a planning obligation agreement.

The developer may acknowledge that their scheme impacts on wider interests. There are 3 planning obligations as the Deputy pointed out, the first relates to the outline planning permission in July 2010, it is a lengthy agreement for a very complex project and that planning obligation agreement remains valid today. The second agreement related to building 4 and that brought forward a requirement to make a financial contribution towards sustainable travel initiatives, being a prorated sum taken from the obligation which was born out of the outline planning permission. The building 1 obligation follows the same template as that and relates to a contribution towards sustainable travel initiatives.

**Deputy K.C. Lewis:**

How do they interact with each other, the P.O.A.s (Planning Obligation Agreements)?

**Principal Planning Officer:**

Each are tied back to a kind of parent planning application. So if the applicant was to implement building 4 then the planning obligation which was associated with that project would also require implementation, and it is the same for the other 2 as well.

**Deputy K.C. Lewis:**

Are you concerned, Minister, that should development ceased after the second block is built that the temporary car park may become permanent?

**The Minister for Planning and Environment:**

I think it is fair to say that the assumption in the short term is that we are not going to reduce the number of spaces available. If the second building is built I am not sure whether that would mean that the whole of the original car park would have been taken anyway. I think the way they are going to do it would mean that we will not lose the whole of the original car park.

**Deputy J.A.N. Le Fondré:**

No, you will just have a split either side of the road.

**The Minister for Planning and Environment:**

Yes.

**Principal Planning Officer:**

I guess the honest answer is we do not know what we do not know. There are various possibilities which we may see or may not see. I think all we can do at this point in time and all that we have done is to make sure that application as they come in comply with the master plan framework that

we have. Ultimately we would like to see these things delivered out and our visions delivered. That is all I think we can really say.

**Deputy J.A.N. Le Fondré:**

Can I just ask briefly on the 2010 P.O.A., I think it made reference to the fact that it was valid to date? Has it ... I do not know what the right word is here, has it actually been activated? In other words, I understood if the 2010 P.O.A. presumably ties into the 2010 planning permit that is about to lapse potentially later on this year so does that mean the P.O.A. lapses at the same time or what would cause its terms to kick in.

[15:00]

**Principal Planning Officer:**

It is a kind of lengthy legal document but I am just picking out clause 9 on one of the schedules: "This agreement shall cease to have effect if the outline planning permission is quashed, revoked or otherwise withdrawn or if it expires prior to its implementation."

**Deputy J.A.N. Le Fondré:**

Okay, so that 2010 application has not been initiated, there has been no ... none of the applications fall under it?

**Principal Planning Officer:**

There were no reserve matters for that outline.

**Deputy J.A.N. Le Fondré:**

So on that basis that P.O.A. is dormant, shall we say?

**Principal Planning Officer:**

At the moment, yes, it is, yes. It is still live, it is yet to bite.

**Deputy J.A.N. Le Fondré:**

Yes, okay.

**The Connétable of St. John:**

We have spoken about phase 1, which is the offices and so on, we then move on to the beginning in effect, is there any way in which Planning can insist on the road being sunk? The sinking of La Route de la Liberation in accordance with the master plan?

**Chief Officer, Planning and Environment:**

I do not think there is any way we can insist on it, no. As I said a master plan is guidance for the site, we would need, however - going back to Kevin's earlier answers around that connectivity issue - to see what are the other plans then if this road is not being sunk and connectivity is to be maintained, what are the other options, please? Because if we need this site to work as a whole and some of the developments on the other side have got a requirement to link back into St. Helier, we would want to fully understand what the developer was proposing instead.

**Deputy J.A.N. Le Fondré:**

Hypothetically if a bridge was proposed back in there, does that not have impact anyway, because you need to know design, ground levels, you are not just going for a British Rail style footbridge.

**Chief Officer, Planning and Environment:**

I think that is why we ended up with the master plan we have. I think in terms of its aesthetic and its visual content it is far better to have your roads and your cars out of the way and people could walk along tree-lined boulevards to the sea. It was clear in terms of its urban design vision. If another option was being proposed I think we would have to really assess that and see what it delivered and does it deliver that connectivity or not. Is it useable?

**Deputy S.M. Bree:**

Sorry, can I just pick you up on that point. You are saying if another option is proposed by the developer?

**Chief Officer, Planning and Environment:**

Yes.

**Deputy S.M. Bree:**

The original master plan to the Esplanade Quarter was debated by the States Assembly in 2008, a subsequent amendment to it was debated by the States Assembly in 2011?

**Chief Officer, Planning and Environment:**

No.

**Deputy S.M. Bree:**

No? It was not? Okay.

**The Minister for Planning and Environment:**

No, it was approved by the Minister.

**Deputy S.M. Bree:**

Approved by the Minister, my apologies I got that one wrong. If we go back to the 2008 debate, it very clearly laid out the States plans for the Esplanade Quarter.

**Chief Officer, Planning and Environment:**

The Minister for Planning's plans.

**Deputy S.M. Bree:**

All right, the Minister for Planning's plans that the States Assembly approved?

**Chief Officer, Planning and Environment:**

Yes.

**The Minister for Planning and Environment:**

Endorsed.

**Deputy S.M. Bree:**

Endorsed is a better word to use. Yet you are saying if the developer puts in an alternative plan, i.e. not burying the road, then that will be looked by the Planning Department without referral back to the States for its endorsement?

**Chief Officer, Planning and Environment:**

That is correct.

**Deputy S.M. Bree:**

Okay, that is all I wanted to know.

**Chief Officer, Planning and Environment:**

There is nothing to prevent an application to come in which sits outside of the master plan. One of the jobs that we would have to do is assess any application against the master plan and take a view on whether it complies or not. It may not comply. We may see a scheme that does not comply. The system and the law still allows us to approve that. But that is a decision for the Minister for Planning to take through the Ministry here because the States is not the planning authority so it has to sit back in the department. But clearly in making that assessment and that decision the existence of the master plan and the States wishes for the site is obviously a bit material consideration for us but the process would not prevent us from making a decision the other way.

**Deputy S.M. Bree:**

It was just for me to understand the process rather than anything else.

**Deputy J.A.N. Le Fondré:**

Is it a fair comment to say it would be more of a political matter in terms of it would go back to the landowner, well ultimately the Minister for Treasury as shareholder representative, and it is for him then to decide whether it was a matter for the States in its ultimate capacity.

**Chief Officer, Planning and Environment:**

I think that is one certainty we would have. It certainly would be a political matter.

**Deputy J.A.N. Le Fondré:**

It would not necessarily be a planning issue, it would be dealt with as a normal planning ...

**Chief Officer, Planning and Environment:**

We could take a planning decision on it. We have a duty to handle applications as they come in so an application would come in, we would assess it, it would be clear what side of the stool it fell if it was in compliance or we felt it was not in compliance. In determining that application we could refuse it, because it is not in compliance with our guidance. That would be a very safe decision for us to take. We may however be compelled to say: "Yes, that is a very good answer, it is a new answer to the same problem. It departs from our previous guidance because something else has changed." So we would need to see why the application was coming in contrary to guidance. Something may well have changed that warranted it. Undoubtedly it would be a political matter if the States is still desirous of delivering the master plan in its current form. So it would certainly be a political conundrum for the department to deal with.

**Deputy K.C. Lewis:**

Minister, at what point with any deviation from the master plan would you seek to take it back to the States? Where is the tipping point in any deviation from the master plan?

**The Minister for Planning and Environment:**

Are you in a position to tell me when the application is going to come forward that deviates from the master plan, because until such one does it is difficult to say that I would take it back to the States.

**Deputy K.C. Lewis:**

So you feel it is within the framework at present?

**The Minister for Planning and Environment:**

Nothing that has been proposed so far deviates from the master plan.

**Chief Officer, Planning and Environment:**

Yes, I think we would not take an individual planning application back to the States. If we were seeing applications coming in which departed from the master plan, yes, it would have to be a political call as to whether we revised the guidance and update the guidance and take it back to the States. There would be many conversations to be had at that point. I think certainly our focus now is around delivery of change for St. Helier. That is certainly where the strategic plan focus is going and we want to see delivery and want to see change on the ground. So our experience of taking master plan documents through the States does not often lead to very quick delivery of projects on the ground. We see the master plan as taking quite a long time to go through the States process and the 2 master plans we have mentioned have both taken a fair amount of time to get through that system. So I think what we do seek to achieve through the planning process is physical change for the better. That is what keeps us all excited, I think, in terms of what we want to see for the town. So I think we would need to try and springboard forward and say: "Okay, let us concentrate on the wider vision for the town."

**The Minister for Planning and Environment:**

I think certainly from a Minister for Planning's point of view at the moment, my concentration is the Future of St. Helier project. Inside the Future of St. Helier project we have at least 2 master plans. The one we are talking about, the North of Town Master Plan, but I see my main job in the coming couple of years to try to sow the seeds of getting everybody on board from all sectors, not just finance, business, retail, residential on board for the Future of St. Helier project.

**Deputy J.A.N. Le Fondré:**

Let us save that for another hearing on another day. Kevin, are you all done?

**Deputy K.C. Lewis:**

I am done, thank you.

**Deputy J.A.N. Le Fondré:**

Chris?

**The Connétable of St. John:**

Yes, it coming back to the sinking of the road, the letter we have from T.T.S. (Transport and Technical Services) which says: "Although it is noted that it is unlikely the underground roundabout

will be built, given that the car parking and general access arrangements are likely to differ significantly from the original master plan.” Do you have any comment on that?

**The Minister for Planning and Environment:**

Nothing that has been proposed so far differs from the master plan.

**Principal Planning Officer:**

I do not have a copy of that with me, Constable, but I believe it is a representation in relation to the Zephryus project and so it must be viewed in that context. The Zephryus project proposed alterations to the car parking arrangements for the buildings immediately to the south of the master plan site, and the response from T.T.S. must be viewed in that context and is effectively asking whether this is future proofed if the road is sunk. It is speculation from the author at T.T.S. as to what may happen in the future with that road. But the arrangements may differ from the original master plan. The situation with Zephryus, this representation, did not impact on us at all. It was outside the site.

**Deputy J.A.N. Le Fondré:**

Okay, I think we were curious from the point of view it is one of the statutory consultation bodies, I think.

**Chief Officer, Planning and Environment:**

I will give you that back before we walk off with it.

**Deputy J.A.N. Le Fondré:**

You have got a copy on your website, I think. But therefore we were just curious that there seemed to be a view gathering as to the likelihood of the road being buried or not.

**Principal Planning Officer:**

I think that is an open question. It is a question in the master plan as well. The master plan sets out a framework which could lead to the sinking of the road and it could.

**Chief Officer, Planning and Environment:**

Yes, I think the master plan has a question in it, if the road is sunk, question mark. So I think the master plan in itself asks that question.

**Deputy J.A.N. Le Fondré:**

Simon, have you got anything?

**Deputy S.M. Bree:**

No, I think I am okay for now.

**Deputy J.A.N. Le Fondré:**

I think we are done. We are 10 minutes over but we tried to rattle through quite a lot of questions. We may want to get you back at some point much further down the process, because, as I say, this is the kind of information gathering and trying just to glean out certain issues which we have certainly covered. Thank you very much for your time.

**Chief Officer, Planning and Environment:**

Thank you.

**The Minister for Planning and Environment:**

Thank you.

**Principal Planning Officer:**

Could I just clarify, Chairman, the rather lengthy monologue of the planning history at the beginning of the session would you like me to ...

**Deputy J.A.N. Le Fondré:**

Yes, that would be helpful. Thank you.

[15:10]