

STATES OF JERSEY
SCRUTINY ENVIRONMENT PANEL
FRIDAY, 7th JULY 2006
Planning Process Review

Panel:

Deputy R.C. Duhamel of St. Saviour (Chairman)

Connétable K. A. Le Brun of St. Mary

Deputy G.C.L. Baudains of St. Clement

Deputy R.G. Le Hérisssier of St. Saviour

Deputy S. Power of St. Brelade

Officer:

Mr I. Clarkson

Witnesses:

Mr M. Waddington, President of the Association of Jersey Architects

Deputy R.C. Duhamel of St. Saviour (Chairman):

I have to read you the convening notice. I will do so. It is important that you fully understand the conditions under which you are appearing at this Hearing. You will find a printed copy of the statement I am about to read to you on the table in front of you: “The proceedings of the panel are covered by parliamentary privilege through Article 34 of the States of Jersey Law 2005 and the States of Jersey Powers and Privileges and Immunities Scrutiny Panels PAC and PPC of Jersey Regulations 2006, and witnesses are protected from being sued or prosecuted for anything said during Hearings, unless they say something that they know to be untrue. This protection is given to witnesses to ensure that they can speak freely and openly to the Panel when giving evidence, without fear of legal action, although the immunity should obviously not be abused by making unsubstantiated statements about third parties who have no right of reply. The panel would like you to bear this in mind when answering questions. The proceedings are being recorded and transcriptions will be made available on the Scrutiny website.” If I could ask you and other members when speaking to actually speak to the microphones because it picks it up that way.

Male Speaker:

Comment there.

Deputy R.C. Duhamel:

You can do.

Male Speaker:

During the last transcription we have learned that several voices were not picked up clearly. Could we be advised at such time as things are not looking like being recorded properly?

Deputy R.C. Duhamel:

Yes, I think there are only difficulties if people move back away from it and sit in their chairs and do not project their voices, but I am sure everybody will bear that in mind. Okay. I am not the lead member for this particular Scrutiny Review, it is Deputy Gerard Baudains and he is assisted by Deputy Roy Le Hérissier. But I have drawn the short straw and I am going to kick off. Could you, Mike, for the sake of the Panel, advise us of your understanding of the job responsibilities of an architect and the job responsibilities of a member of the Planning Department, i.e. a planner, as far as you are able?

Mr M. Waddington (President of the Association of Jersey Architects):

Right. As far as I am able, in simple terms, the job responsibilities of an architect are to really design buildings that benefit their clients and the wider public, to think about design in a considered way and to deliver buildings that not only satisfy their functions but I think provoke thought in a wider cultural context.

Deputy R.C. Duhamel:

Right. And a planning member or a member of the planning staff?

Mr M. Waddington:

My personal view, the role of the planning officers is to share the same vision, in many ways, to assist in the delivery of high quality architectural design that recognises the requirements and needs of the applicants, but also takes into account the wider cultural issues that affect the surrounding neighbours and the Island generally, in the case of Jersey.

Deputy R.C. Duhamel:

It has been said by Peter Thorne from the Planning Department just recently that he felt that not enough funding or attention was really paid to the planning aspects of the job, in that the Department seemed to concentrate more on design. Would you actually agree with that statement?

Mr M. Waddington:

I think it is very difficult to really pigeonhole planning functions and design functions and there is such a wealth of crossover that... It is a function, I think, of some bureaucracies to do that because it simplifies filing systems and methodologies, but in truth I think there is such a cultural overlap that I would be concerned that they were being divided up in that way. That said, it is quite obvious that there are pressures within the Department in terms of resources and I do not think anybody would think that is

a good thing but we are also aware of the general economic constraints that all departments act under.

Deputy R.C. Duhamel:

With the laying down of particular plans, for example the new development at Rue de Jambart, do you consider that the plans were adequate for the purpose and paid proper and due attention to decent planning principles and layout?

Mr M. Waddington:

That is an interesting question. I will be honest and say I have not studied them particularly closely, but what I have picked up from them is that I think they appear to be quite successful in terms of the kind of organic layout that they have tried to achieve, I know that much. I know that the starting point was not to create a sort of monotonous stamped out sort of housing estate and from what I could tell of the plans, they have gone some way to achieving that objective. There is no question that all of the rezoned sites are under huge pressure to deliver high yields and there is a lot of sensitivity about more fields becoming rezoned, more green areas becoming rezoned, so you can understand that pressure. There are also, I think, cultural issues that the Island is facing, where young people are perhaps expecting to have detached homes. There is a resistance to apartment style living in some respects. A lot of that has to do with people's perceived views of St. Helier and the perceived social problems that you are likely to encounter in St. Helier perhaps more than in the surrounding parishes. There is a wider question there. In terms of densities, the States do not do themselves any favours by dragging their heels in getting legislation through. Nobody, including myself, knows what the parking standards are, simply because the proposed new parking standards have been around for a year and a half, maybe 2 years, at the moment we are working on the old parking standards, but having said that, those are being interpreted. The only way I can see really being able to assess a housing scheme in terms of its density and therefore the amenity spaces people have within it, is to look at garden sizes, public open spaces. Now, if there is no real clear States guidance on how much of that open space is eaten up with parking spaces, where do you start? There is a fundamental issue, something I have raised with the Planning Minister, so really that would be one good box to tick, let us just sort that out once and for all, at least that would free up some degree of understanding of what is left for the site. At the end of the day there is always going to be a value judgment, particularly when people have bought houses on the periphery of country zones and then they find 60, 20, 80 new houses on the edge of their view, it is bound not to be popular. So it is a case, I suspect, of really looking at the wider benefit.

Deputy R.C. Duhamel:

When we consider new housing layouts, do we actually do so holistically and with the idea of building communities in mind, or do we go to the other end of the spectrum and string together a collection of individual living spaces?

Mr M. Waddington:

Putting things in boxes, going back to some of the other points, there has been a pattern of thinking, probably not just in Jersey but all over the United Kingdom, for a long time. It is only recently that I am becoming aware that there are quite a lot more visionary thinking going on. The St. Helier regeneration was spurned out of discussions on the waterfront. East of Albert is starting to be thought about, and that is pretty encouraging and I would say that there is certainly an opportunity to cast the net wider when we start to look at appropriate housing for certain parts of the Island. But it has really got to start, I think, from a cultural, political and economic stance and the architectural role, and indeed the planning role in that respect, is relatively reactive, in my mind, to those forces. We all operate and we are effectively a service industry in the same way the Planning Department is a service industry. We do not make policy, we contribute to it but we do not make it. It seems to me that if there is an aspiration within the Island to shift perceptions, it has to start with some political braveness, it has to be tempered by some economic awareness and understanding, and that seems to me to point to some perhaps more public private partnership way of doing things. I think it is a very admirable aspiration and one that certainly I am quite convinced local architects, and indeed the planners, would embrace. The difficulty is I think really it is difficult to see it generated from the Planning Department alone.

Deputy R.C. Duhamel:

So you would perhaps recommend that it should be encouraged from the bottom up, from the population rather than from at the top, with the politicians or indeed architects or other interested bodies telling people what they should have?

Mr M. Waddington:

I do not think the architects are at the top. That is the point I am trying to make really, that we are fairly down the food chain in a sense. I certainly think, with ministerial government, there ought to be a fast track way of perhaps orchestrating feasibility studies that looked at alternative housing types, that perhaps probed planning policy in an interesting and intelligent way, so that we could start to really think a little more laterally about what housing could be. I would certainly think that would be positive.

Deputy R.C. Duhamel:

So is it fair to say that some of the mistakes of the past may well have been due to the idea of bolt on housing syndrome?

Mr M. Waddington:

It is. It is inevitable that in a small Island where land is scarce, pieces of land come up ad hoc, lots of people are keen to exploit them when they do, therefore you get piecemeal approach to development. There was a huge effort to get the *Island Plan 2002* and that I think was an attempt to try and pull together the disparate strands of thinking that were going on and it did a good job of that, but it is a continuing process and the interesting thing about the *Island Plan* is it has actually given everyone a breathing space and it, in some respects, has created a platform for wider thinking. In that sense I think

it has been very positive.

Deputy R.C. Duhamel:

How often should the *Island Plan* be reviewed?

Mr M. Waddington:

Is it not every 10 years under policy, as I understand it?

Deputy R.C. Duhamel:

You do not think it should be continuously reviewed?

Mr M. Waddington:

I think it is being. As I understand it, the supplementary planning guidance for the Waterfront has come out at a rate of knots and other things will follow, I am sure. So, my understanding is that the overall *Island Plan* is redrafted every 10 years but within that period, there is flexibility to introduce supplementary guidance and clearly that is something that the Council of Ministers, I am sure, will take advantage of.

Deputy R.C. Duhamel:

Are there any particular areas, before we move to another subject, that you think should be reviewed immediately?

Mr M. Waddington:

Well, I mentioned parking, although that is not strictly speaking, it is a policy guideline, not a policy. I suppose within the architectural community, our struggles, let us not talk about the process, but in terms of policy, our struggles are usually within the sort of overlapping spheres of heritage, sustainability and innovation. This is where, you know, let us take a very well intended house owner who has bought a beautiful old granite Jersey house, but they care about the environment so they want to stick solar panels on their roof and they would not mind double glazing. Now, all of that, to me, makes complete sense, as long as the double glazing is perhaps timber or is at least sensitive to the character of the house. When you start to scrutinise the policies that govern those independently well meaning controls, they fight against each other. They are fighting against building control versus planning in terms of heritage is difficult. Sustainability, which is not really, to my mind, about wind farms on the Ecrehous, it is much more simple, very often just about good insulation, sensible use of glazing and one or 2 simple means that can make a huge difference. Those things are often quite a struggle and to my mind, there does not seem to be any kind of ability within the various departments to reach a consensus on that, in a fast way, and I think that is a shame. That would be one area that would not be a headline area to change things, but I think it would have quite an effect on a lot of people's lives.

Deputy G.C.L. Baudains of St Clement:

Going back to one of the earlier questions, you mentioned that development has been basically piecemeal as lots become available for one reason or another. It has been suggested that there should be an overall plan for various areas, whether it was a village or an area around particular existing dwellings or whatever. Do you believe that the Department, from an architect's point of view, is spending the right proportion of its time on the various aspects of planning or design, or is it that the people who should be planning are actually bogged down in determining applications?

Mr M. Waddington:

I think there are problems with the emphasis within the Department, in terms of the time and resources that they apply to various things. I suspect that some of the problems are political. For example, and this is directly to do with the popularity of the planning process with the public, for example, I attended a very rushed seminar to introduce the new planning laws, and in particular the need to advertise planning applications by putting a sign up on the buildings. Apart from adding 3 weeks to the process, and I, being cynical, I think marginally improving its public profile and accessibility, we got our first one in the office yesterday. We got an A4 plastic wallet with the notice in it and two pieces of sort of cable ties, no holes in the plastic wallet, no concept of how we stick it to a glass fronted office building, for which we were planning for a new canopy, and I just thought somebody is spending a huge amount of time organising all of this and somebody actually has to check the sites because you have to put one on each corner of the site. Somebody is looking at the drawing, saying, "Oh, it is just the front of the building". Actually, this is on a corner, so we need to put three of those in plus six ties. Really, my criticism has consistently been, in fact it is not a criticism, it is sharing the aspiration to raise design standards in the Island, and to my mind one of the most critical areas, and I notice in your appendix it is the first thing that you refer to, pre-application process, the ability to sit down and have an intelligent discussion about what could be possible on the site, the ability for the Planning Department to introduce the first benchmark of quality. That to me is absolutely fundamental to setting the parameters for what could or could not be acceptable. In a department that spends a lot of time counting the number of cable ties to go into envelopes to send out to stick posters on the front of buildings, to my mind, I would say, without being flippant, that there is perhaps a need to refocus some priorities there. There are more important things and I have my own personal views about advertising and I personally think the planning process is good enough, it is never going to be perfect but if people want to find out about an application, they can, and it is not exactly that hard to look in the *JEP* (*Jersey Evening Post*) and it is not that hard to get to South Hill and pull the drawings out. Indeed, now through the new law you are allowed to take copies of them without the consent of the people that generated the drawings. So, I am concerned that where there is a knee jerk reaction that is populist and therefore understandable in terms of vote catching, but actually in the end not particularly helpful. Sorry, did I answer the question or not?

Deputy G.C.L. Baudains:

Yes, very helpful, and remaining on the theme of apportionment of officer time, we are looking here to

your experience. Do you agree that the level of officer input into design of homes, I am thinking things like planning brief and such, is at the right level or is it too high, is it too low? Because it has been brought to our notice that in some cases there is unnecessary expense and difficulties to developers and ultimately designs that are not favoured by the public, created, it appears, by the officer input more so than the architect or the developer. Do you agree that the level is in the right place or should we move one way or the other?

Mr M. Waddington:

I think there is a danger when the Planning Department interfere in design full stop. It is clear to me the only really two things you need to get a good building, you need a good client, critically, first of all, then you need a good architect. After that, the discussion on planning should centre around policy, policy issues, spatial issues, and so on. That said, the difficulty within the Department, apart from time, is that there are some very capable senior planning officers and there are some junior officers, and a bit like policemen, I suppose, the junior policemen fall back on the letter of the law. So pre-application advice from a junior officer is really just telling you what policies constrain what you are trying to do. Frankly, you do not have to wait for 6 to 8 weeks to get that, I can open the *Island Plan* and see it for myself. The problem is, of course, they need to be trained up. The difficulty I find is that the senior officers, who are capable of having very constructive, and we do have very constructive discussions, and they are actually discussions that I believe save a lot of time in the Department and help efficiency, are being distracted by other areas. That is difficult. I am not criticising them for that because I am aware that they are probably short staffed and clearly under economic pressure, but in answer to your question, "Could some of the tasks be refocused and prioritised", I am certain that would be an area that would be beneficial to look at. Because to me, I really do think that the sort of pre-application and outline planning stage of planning, that is where it all happens. Afterwards, it is just leg work. Afterwards, it is filling in cavity block work, technical things, does not matter, but the real design, the essence of the design, is captured at that stage and it is the quality of that discussion and the quality of that input, and in particular, what is actually the material of that application that is critical.

Deputy G.C.L. Baudains:

Are you satisfied generally with the process surrounding the design brief? In other words, is there sufficient consultation around the design brief or are you given a document that you have to abide by? Because again, I am aware of developers who have been working with a design, which they would have preferred not to. In design terms they believe it is inferior to what they would have done and the public apparently agree with that attitude. I wonder exactly how prescriptive the design brief is or whether there is negotiation. Can you explain to us how that process works?

Mr M. Waddington:

I can only explain how it works from our point of view. That we read it and then do what we think is appropriate and we very positively stand by what we think is the right approach and if that means we

have to critically argue with the brief, we will do so. I hear a lot of people say that, “We would not have wanted to do it this way but the planners made us do it”. I do not know, my answer to that would be, they should not have been allowed to let them do it by virtue of the quality of the design arguments that should have been in place initially. I suspect what happens is that perhaps there are mediocre attempts at doing things, or indeed, simple pleas from applicants to ask the Planning Department what they would like to see there. I think that is a great shame because I think the process should start with a really committed, thoughtful and high quality proposition, and that should be fought for.

Deputy G.C.L. Baudains:

I believe, on this particular subject, I believe, if I am correct, on the rezoned sites, quite a few of the major sites were initiated by the design brief rather than application led.

Mr M. Waddington:

It is an interesting point. Let us look at those. The fundamental starting point is the 45/55 per cent split. There were quite significant details in terms of the amount of room space, storage space, throughout the units. But in many ways that was bringing to the market what existed anyway with housing standards, which were generally applied to States schemes and very often ignored by private developers. That began to change, so yes, there is a fairly complicated instruction package that came with the scheme, but you cannot design a housing scheme from an instruction package. Or perhaps you can, but if you do it probably will not be very good. So part of the role of architects is... it is a bit like driving, is it not? You do not think about pushing the pedals up and down terribly once you get the hang of it, you think about where you are going and occasionally look at the view and try not to knock anybody over. It is the same thing I think, you have to sometimes, through the process, put the rules away consciously and do something interesting. Those are tough sites, though, because there is a prescriptive brief. I guess if I am honest, it makes creativity more difficult. It certainly does not make it spontaneous. But the counter argument to that would be wacky schemes that do not give enough amenity space or do not provide X, Y or Z. I am struggling to really come to a conclusion on that. I would personally have preferred a less prescriptive approach, I think, if I am honest, but I can see the logic for having one.

Deputy G.C.L. Baudains:

With a less prescriptive approach, surely in the final analysis, if what you have produced is not acceptable it would be refused.

Mr M. Waddington:

Absolutely, and I think that is a good point, because I have sort of argued privately with various planning officers for quite some time that outline planning application, the outline part of the application should be much looser and freer, with the view that the detailed application could well introduce more onerous requirements in terms of presentation. The idea being that you have a freer and more creative

approach at the beginning. Certainly from the business community point of view, economically, people start to get, that is the bit that generates the sort of ability for the schemes to start to happen. The worry is that the Planning Panel would start to make agreements of things that they simply could not stand by when it came to detailed planning. But I think if there was an intelligent approach there, you could have a very simple way of perhaps creatively and quickly assessing sites, which is what the business community wants I think. But then, they are very onerous once the basic parameters are set, a very onerous requirement to present them properly, and I think that in the end, that would probably be better. What we are finding at the moment is outline planning, frankly, is no different to detailed planning, except the client has to pay twice, because there is such a hesitancy to agree anything through the outline process that we get drawn more and more into more and more work and so the thing is absolutely done and dusted and you are thinking you could practically build from it.

Deputy G.C.L. Baudains:

Do I understand from that that what you are suggesting is that the early moves actually hamstring future design that may have been brought forward but you find you cannot because of work that has already been done on that?

Mr M. Waddington:

I think what I am trying to say is that we are missing an opportunity and undervaluing the early stage of the design process and that is a pity because I think if we are looking for innovative ways of approaching age long problems then there is a terrific value in that early part of the discussion and the danger is, either discussion does not happen at all on one hand, or the discussion is so prescribed and so complicated that it is terribly hard to have, and I think there would be some value in trying to make that, and certainly with public involvement, make that process more productive.

Deputy R.C. Duhamel:

I would like to come in, if I may? I asked at the outset of this review for you to actually describe in fact what an architect did and what a planner did and I think this, for me, highlights the difficulties, or some of the difficulties, that we have had. We have had statements from the Minister for the Environment and Planning to the effect that he does not support or think that he has much design competence or experience within his department and through his staff at the moment. Bearing in mind the comments that have just been made, do you think perhaps that the Planning Department are focusing too much on the design aspects, which are clearly the remit of the architects, and at the same time ignoring the planning aspects, which are the more general kind of issues?

Mr M. Waddington:

I think it depends, really, what we all feel we mean by focusing on design. I am absolutely delighted to focus on design at any stage of the way and if the Department is saying, by focusing on design we are going to value it and we want to share in the discussion in it, then that is something that I think most

architects would think is a very positive offer to the process. I go back to this discussion about these sort of early stages. If the intention is to influence the outputs by suggesting design approaches that maybe are or are not acceptable, then I think that would be a rather poor thing, I mean that comes down to the sort of style police kind of approach, which I certainly would not subscribe to. But it is clear that, to be open, that in the Planning Department there are varying degrees of skills, within the architectural community the same thing applies. Nobody is the same. Even within what you might say good architects, the skills are often not always the same quality, partly because I guess people's skills do not always work exactly the same on every project, partly because every project has got different background and circumstances. So I think I would say that, as I understand it, the Minister has said he is looking to raise the bar in terms of design. That was one of the objectives of his Ministry. I would support that 100 per cent, that is an absolutely excellent ambition and I am fairly sure all the local architects would. So, to my mind, that is great. In doing so, I think he has had to recognise and be open about he is not an architect but, as with the other 80 something thousand people in the Island, we all probably feel that we are and everyone has an opinion and rightly so. It is a public art and there is no question that design generally is entered into people's homes through their televisions, everything we buy now is heavily design influenced. But, I think to recognise that you are not an expert is fine. To put in place an assembled team within the Department that perhaps has more experience of design can only make the ability to have those early conversations more robust, and that is a good thing. Of course, the counter side to that is the possibility of meddling, and I think that of course is the 6 million dollar question really. Where do you stop?

Deputy R.C. Duhamel:

If we look at architecture, would it be right to assume that there are perhaps 3 levels where design issues can be brought to bear? You have interior design, you have got exterior design of the building itself and then the third dimension or area is probably design attributable to collections of buildings. What proportion of an architect's business would be within those 3 different areas and likewise, similarly with the Planning Department, should they be concentrating, for example, on interior design aspects or exterior of the individual building aspects, to the exclusion of the wider design issues, or should it be the other way around?

Mr M. Waddington:

In an ideal world, all 3 things should happen at once. You should be able to sort of assess the context of the building within its surrounding area, and that relates to height, scale, appropriateness, materials and more philosophical things like Jersey character, the feel of a space, and then, depending on the building, no, actually not depending on the building type, certainly thinking about the inside and the outside of the building, most modern architecture is about trying to remove the physical barriers between the inside and outside, to make people feel they are outside when they are inside and vice versa. Really, we can see that even in our own homes now, most of us are sitting out in the garden on the patio in the evenings, probably with a heater above our heads because it is a bit too cold. Everybody is now talking

about being outside when they are inside, talking about the garden being one of their living rooms, and so we are much more aware of, you see it in town with al fresco, much more aware of the outside and consequently the inside becomes the outside, so ideally, as with architects, at least the Planning Department should understand the design principles that could have been generated by thinking of internal spaces linking with outside spaces. Generally speaking, the planners, I suspect, spend more time than architects thinking about the context of their buildings and that is probably a fair thing to do. I mean we obviously do think about context but for example, if you are building an office building on the Esplanade and it is a gap between 2 flank walls, apart from thinking of the height, architects probably do spend a lot of time just thinking about that building in isolation, which is not ideal, and if I was being constructively critical of our profession, we should put more effort into thinking about the wider context, I think that would be fair, and I think the Planning Department would probably identify that too.

Deputy R.C. Duhamel:

New subject?

Deputy S. Power of St Brelade:

Yes, I would like to ask a question before we, may I ask a question? To what extent, Mr Waddington, in your experience of the planning process in Jersey, what do you think is causing some of the mediocrity in design that has come out in the last 25, 30 years? I refer specifically to Planning Advice Note Number 1. It refers specifically to mediocrity in design in the last 20, 25 years. Do you think it is attributable to the *Island Plan* itself, the planning process, the architectural profession or the developer?

Mr M. Waddington:

I think it is attributable, in the early part of that period you mentioned, to general expectations. In the more recent times, I think it is attributable to the quality of the applications. I think it is important to say that, as you say, I would say this, would I not, that it is important to say that a lot of the applications that come through, and not for small buildings but quite significant buildings, are not put in by qualified architects. Now, I am not saying that there is necessarily a line that divides architects and non-qualified designers, I am sure that there are bad schemes from both, but it is actually, the starting point for anything has to be the application, and I am well aware that planning officers, they often struggle to raise the bar of an application, knowing that it has to get passed sooner or later, and there is a question of, "What can I do to improve it", which is a tough job and it is a time consuming job and the logical answer to that should be it should never have been registered in the first place. So I am saying, in answer to it, mediocrity can only come, initially, from what is submitted, what is designed.

Deputy S. Power:

Let me just clarify my thinking on this. What you are saying is that if a mediocre design, or a poor design, comes up, it should be rejected immediately?

Mr M. Waddington:

If the *Island Plan* is saying that one of its ambitions is to remove mediocre design, then that can be the only answer. Looking at that in a little more detail, I also firmly believe that design statements, which are part of the *Island Plan*, are not done properly. I think, and I am fairly certain that they are not policed properly either, and if they are not, I think... put it this way, if someone designs a building, even a small building, and are asked to write half a page or a page of notes to explain the architectural concept, why is it such a problem for that to be the case? I know that a lot of designers have said, "I do not think I should have to do this, I know what I am doing", but actually, when it comes to thinking about it and putting it into words and prioritising those moves, it is perhaps not as straightforward as it seems. But to me, it is an excellent sort of dimension to add to the process of assessing whether something is up to scratch, apart from obviously the quality of the drawings and the actual appearance of what has been done. So, there are moves that could be made and I think that that needs to be policed and we have often said - we will sink or swim by this - but if an application is deemed not to be of a satisfactory standard it should be rejected. The same thing happens in building control where admittedly things are more technically capable of being assessed and identified, but they just get sent back and as a result of that there have been areas of business that have suffered, but actually the objective has been realised.

Deputy S. Power:

Just one final question. So, to clarify my thinking on the planning process there, your advice, you would prefer that if a mediocre or a poor design comes up to the Planning Department, that they should not engage in trying to raise the bar, they should just reject it?

Mr M. Waddington:

I think, yes, in short, but what they could do is maybe clarify the criteria on which they are basing the assessment of good design and say, "Look, here is a design statement, we would expect a design statement to include the following, here is an example of one we consider acceptable". Your point about interior, exterior and context; maybe they should be saying on context, "We expect the drawings to include whatever", so it is prescriptive to an extent but what it is really saying is, "Look, we are trying to lay standards. Here is a framework of criteria that you need to satisfy with each application and quite simply, if it is not included or addressed satisfactorily, that will not be good enough". I do not think you can easily just look at a design and say, "It is not good enough, send it back", then you are in real danger of subjective debate, but I think there are quite a few objective measures that could be put in place in simple form that will allow that to happen. Yes, I think quite a few will get sent back, and rightly so.

Connétable K.A. Le Brun of St Mary:

Just leading on from that, because as you say, there are good and bad architects and that is always subjective because it depends on who decides who a good and bad architect is in that respect, and therefore it is a problem for the planning in that way. I have always been intrigued by the fact that I am

never quite sure whether an application is driven by the client or driven by the architect, because I do feel that a lot of the architectural designs are monetary based, as it were, that the developer is deciding what he wants so as to get a good return on the site, irrespective of what size. Therefore, could I ask you who do you think has the priority? Is it the client that dictates to the architect or does the architect then go his own free way and say, “Well, this is what should be in this particular area”?

Mr M. Waddington:

I think architects are never free, that is for sure, not even on their own houses. But that is an interesting point. I noticed somewhere in the papers one of the perceived criticisms was that developers were getting away with too much and indeed putting in schemes which were almost over designed in the hope that when they were knocked back by Planning they still got more than they should have. We occasionally get planners to say, “Do you think we should stick an extra floor in this and just see?” We generally do say we will push the boundaries, and I am not ashamed of that, we will always push the boundaries because land in Jersey is a very rare resource and I think it would almost be verging on negligent not to try and maximise its use, but we would also feel we could judge what we thought were an acceptable limit. Sometimes I will be open, we are on the cusp of saying, “This is close, this is perhaps pushing it a little too far but we could try it”, but we certainly never over design simply because we think this is some sacrificial building that we will not mind losing and we will gain through that process. We would far rather do it through good design and good logic. On your point, yes, of course developers will always push for the maximum, but I have been surprised since I have been in Jersey how we have, I hope, been able to introduce better quality design and persuade developers that through doing that, they might actually get better yields, and so in a way, the architect ends up being a kind of broker between what I think could more justifiably be the opposing requirements of the planner and the developer. I certainly do not feel we have really ever been bullied into trying to do something that we wholly disagreed with and I think if that was the case we would have some real difficulties, I think we really would.

Deputy G.C.L. Baudains:

Did the Constable wish to stay on that subject?

The Connétable of St Mary:

I just wanted to, if I could, just a quick follow up one in that respect, because I feel at times that a developer invariably has his own architect and I do feel at times that there is too much pressure put upon so that the architect has to come up... it seems there is too much tie up between an architect and the developer and I would certainly like to see more, how shall we say, openness or freedom for other architects to come within that design, and I do not know whether that would be feasible as such or am I being a bit too cynical?

Mr M. Waddington:

I can see the point you are making and I cannot see any way of legislating against choice, but certainly, what you are saying is Architect A is employed by Developer B and, “If you do not maximise this site you will not get the next job and we have given you 6 jobs already, so come on, get on with it”. Then that obviously is a factor I am sure within most businesses, and it is obvious that the larger developers will operate like that. It is like a supermarket, is it not? You have got somebody buying potatoes and when you get Tesco they are very aggressive and they squeeze down the price and the danger is that they squeeze things down to a point where perhaps people cannot operate or the way in which they operate is unacceptable, and I suppose it is possible to apply that logic to developers too, and I think, again, I do not think you can influence who works with who, but what you can influence is the expectation of quality of design, and that is where I think the Department must be very firm. Because at the end of the day, the message is the States have a fantastic ability to squeeze economics by tough decisions if they want to. If there is a genuine quality issue that is coming out through over development, then it comes down to the judiciousness of the planning process to squeeze that out, I think.

Deputy G.C.L. Baudains:

You have just spoken about quality and economics, which possibly leads on to the next subject that I would like to seek your views on, and that is planning gains. What I would like to understand is how it may or may not affect architects’ abilities to create the sort of development they or their clients may desire, what effect it might have on what is ultimately produced, the quality of design process generally. Any particular views on how the planning gains issue affects planning?

[Deputy S. Power leaves the room]

Mr M. Waddington:

Are you talking about planning obligations or planning gains?

Deputy G.C.L. Baudains:

Well, the planning obligations.

Mr M. Waddington:

Because the obligations, and I must say I am not terribly clear on this. I know it is a relatively new area. I am doing a scheme of 20 houses and the constable will come to me and say, “We want you to pay for a bus stop, pay for widening this road, because you are doing a scheme that is justifiable under planning”. Or perhaps the argument is, “This scheme is not strictly justifiable under planning, it should be 18 houses, but if you are going to do 20, we will accept it but let us have the bus stop and the wider pavement and whatever else you want to throw into the pot”. I have a bit of a problem with that because we should be really deciding what is appropriate in terms of planning before we have that discussion and then if it is simply a tax, effectively, on the development, then maybe it is set at a percentage. I do not

understand how to answer the question because if I am really honest, I do not fully understand the parameters within which planning obligations work and I am not sure many applicants do, to be perfectly honest.

Deputy G.C.L. Baudains:

In your knowledge of it, can you help us understand at what stage these planning gains come in? Do they come in at the beginning or are you taken by surprise after you have costed a process and then find that you have unexpected expense to cater for, which may possibly push up the cost of the project?

[Deputy S. Power re-enters the room]

Mr M. Waddington:

It will almost always push up the cost of the project. I suppose the discussion becomes really whether they push that to an unacceptable limit. But the only experience that I have had personally that I can recollect off the top of my head is a housing scheme where the obligations were introduced towards the end of the detailed planning process. But they were always mentioned and again, I think there was a road widening, there was a bus stop, they were obviously, perhaps from a developer's point of view, not particularly welcome, but they did not appear to be unduly onerous either and having said that, the site was in the built up area and there was every justification for building on it.

Deputy G.C.L. Baudains:

Is there any possibility that the planning gain may have an alternative effect to pushing up the price, in other words, reducing the quality of the building work in order to stay within the price?

Mr M. Waddington:

Of course. I mean it is like anything, they are only, the economic formula is pretty simple, what you pay for the site, what it costs to build and what you sell it for, pretty well. Within that sort of squeazy economic formula, things pop out and you can easily see schemes where perhaps the starting point was a site that was far too expensive in the first place and an immediate economic pressure that probably could never be sustained, or sites where the selling price simply just goes up and then the question is really are you, I suppose, disadvantaging a sector of the community that perhaps might ordinarily have anticipated through the process they may have been able to afford the end product.

Deputy G.C.L. Baudains:

Would this also have an affect on such things as densities, is one that would then force smaller room sizes and things like that in order to...

Mr M. Waddington:

I am not sure it would force smaller room sizes. It may, I suppose. It would certainly put pressure on.

If a developer had an unduly onerous planning obligation that they were aware of early on, and that would, I suspect, have to be pretty onerous, then I would say most developers clear strategy will be, “How are we going to recover this? We recognise that if we put 20 per cent on the costs of the units we are simply not going to sell them, because they are not going to be any better, so people will go and buy somewhere else”. So the squeeze is on and the squeeze, certainly from our perspective, is very often, “Look guys, we are going to have to look at your fees again”, and being perfectly honest, this all feeds into the quality of the product, and again, it perhaps links back to some of the people making applications that do them very cheaply. So the starting point is, “I am copying what I did last time, I have only got an afternoon in to do it, move on to the next one”. So this is real economics and all of these things have an effect. I think, if I am understanding the question, if you are saying, “Are planning obligations really a major contributor to lowering the bar?” I have not got any figures but my feeling would be probably not. My feeling would be that it would be an interesting area, I would have thought, that a study would quickly reveal that.

Deputy G.C.L. Baudains:

Finally, would there be an issue of equity here? It appears to me that some developments may not require, or be required to provide any planning gains, where others might be required to provide fairly massive ones. How does the method work?

Mr M. Waddington:

I do not know, is the honest answer. I do not know if there are any guidelines in place. I think it is fairly arbitrary and I think probably the biggest criticism of it is the fact that it is so arbitrary. Also, it is fair to say that some larger developments actually through their very nature of coming about, contribute quite a lot to the public realm, and I suspect there will be some developers that will feel fairly hard hit by saying, “Why am I now additionally having to provide this when I am providing, arguably, regeneration or an important public open space”. So, I mean, it is an area that I certainly think if it is the Planning Department that impose these obligations, they need to think fairly roundly about them.

Deputy G.C.L. Baudains:

Is there any debate between your organisation on these issues?

Mr M. Waddington:

There is indeed. We have a planning liaison group and I know that one or two of our members have encountered planning gain and are very keen to try and establish some base rules, some understanding of the parameters. As you say, whether or not it is only large schemes. If so, how large? Where does it stop? Where does it end? I think it would be helpful. I think it appears to the applicant as being a bit threatening, simply because they really do not know what they are in for.

Deputy R.G. Le Hérissier of St Saviour:

Mike, just switching to sort of a more prosaic matter. There is a lot of frustration with the public. As you know, they feel they have become involved with the conceptual process of the plan, there are then detailed discussions where they often feel they have been presented with a fait accompli, but nevertheless, they sort of jump up and down at parish meetings and say, "You cannot touch this field", or whatever. It then goes through and then these processes occur where you say things are thought through and then they see this thing kicking in of retrospective permission, they get very frustrated and there are one or two celebrated cases like Lezardrieux is one at the moment, although I know we cannot comment on individual cases, the one dominating the St. Clements skyline.

Mr M. Waddington:

I did not know it was called that actually.

Deputy R.G. Le Hérisier of St Saviour:

What is your view of retrospective permission? Do you really think, I do not expect you to answer this directly, but is there an abuse going on of the system? What the public thought, perhaps grudgingly, that they had accepted, all of a sudden some kind of monster starts appearing and they feel there is this add on process going on in an almost surreptitious manner.

Mr M. Waddington:

If that is the case, then there is an abuse of the process, no question. I was unaware that that is how it really happened. There are plenty of quite bona fide retrospectives where you simply go back, something minor has changed, that is perfectly reasonable, I would say. If a scheme is unrecognisable in its second form, then I think it is certainly not a retrospective issue. It should be subject to a new application. Indeed, if we are to value good design, it is quite possible that there is a scheme designed, which gets planning permission purely because of its quality of design, and I would hope that is the case and I would also hope that it may be possible to push planning policy to the point where exceptions are made. In the United Kingdom there is the exception to country houses, modern country houses, I think it is a fantastic thing because it gives this generation the opportunity to create Chatsworth out of steel and glass and, well, we will not be looking back, but when our grandchildren look back, they will think, "Those guys really had some confidence that they did that". So, I think there is a great argument for that. Where the real problem could be is that, having given the permission based on a high quality design in a certain location with tight parameters, the site is sold on, the new owner decides that he wants to change it, no problem. There is an expectation that because the permission is there, therefore some completely mediocre or different scheme, and it might possibly be a good different scheme, will automatically get permission, and that should not be the case. It should be, fine, if you want to redesign it you are entirely welcome to, but there is effectively you are starting again. It may be that the scheme is absolutely fine, but I think the danger is that there is a, and I am not sure exactly legally how it works and it could be quite a difficult area. I mean, bear in mind that the Planning Department, when they are really getting to the nub of an issue, the thought that goes in their minds is, "If this goes to Royal Court,

what would happen?" They are aware of this and this is a factor in their thinking and they have to be quite careful of what they impose on people. But I am not sure I can answer whether collectively retrospectives have been abused, but I can understand if what I have talked about is happening then that would constitute an abuse in my opinion, yes.

Deputy R.C. Duhamel:

Supplementaries from Deputy Power and Deputy Baudains?

Deputy G.C.L. Baudains:

There is a public perception that some of the developers will put in applications for 10 or 12 houses knowing they are not going to get them but they really wanted 8 in the first place, and also there is a public perception that some may put in a very bland design knowing it will be approved and the design they really want will come as a revised application, presumably going through a less vigorous process. Is this an actual problem or is it only a perception, in your view?

Mr M. Waddington:

I think it is a problem, if I am honest. I think that applicants do construct unrealistic schemes in the knowledge that they may get more than they originally hoped for through a process that is not perfect, and they exploit that imperfection. I think that probably does happen. I think you would be naïve to think it did not. The second point was that they put in bland schemes and was the idea that they would improve them later on or just that they were bland in the first place?

Deputy G.C.L. Baudains:

Yes, I cannot give any particular examples off the top of my head, but there are ones that have occurred where you see a plan which has gone in, which has been approved and people are generally happy with it, and then I think referring to what Roy was saying earlier, when you see it being built there is no resemblance to the plan you saw in the first place and one wonders if the developers put in a plan that was fairly unlikely to be objected to and then modified it at a later date, which then seemingly goes through a less vigorous process than the original one would have. The house suddenly has 10 windows instead of 6 and is one storey higher than it used to be and all this sort of nonsense.

Mr M. Waddington:

Almost as if the planners feel they are flogging a dead horse, so yes, I guess that happens. The things that really, I think, are difficult to capture in the early parts of the process and need capturing, and I think they should factor into the design statements, are some kind of conceptual description of the detailing of the scheme. That is absolutely critically important for modern schemes because there is no generally any decorative... Think of a modern car now, almost the whole thing is one skin and it is the quality of that skin that is really what constitutes its design, and it is the same with modern buildings, and to an extent to some traditional buildings, but I think they are simpler. What could happen, and

perhaps should happen, at the design stage, design statement stage, particularly with modern schemes, is there should be a commitment to describing the detail, because that is ultimately what they sink or swim by, in terms of their quality.

Deputy G.C.L. Baudains:

Is there a level at which a plan has to go back or is it a grey area?

Mr M. Waddington:

It is a grey area.

Deputy G.C.L. Baudains:

Where one might say, "Well, I have actually got a plan for one door and 3 windows but I would like 3 doors and one window.

Mr M. Waddington:

Then in that case the plan would need to be submitted.

Deputy G.C.L. Baudains:

Surely there is a level somewhere where it should go back as a revised plan as opposed to small adjustments to the original.

Mr M. Waddington:

There is, and that is slightly grey, although the Planning Department would say large variations, and I would say if you were changing windows that would need to go back. But if you look at an ordinary house, let us just take a typical simple inoffensive rendered house with a tiled roof. The sort of changes that can go on are the detailing perhaps of the rendered coins on the corner of the building, maybe a plinth at the bottom, maybe the traditional Jersey kind of rendered trim around the windows, the type of sill, the type of windows, the shape of windows, the edging to the roof. All of those things potentially are difficult to prevent changing through the planning process, yet we can all see House A with some of the nice historic details looking fine and House B where it has been stripped back to the bone, just looking like a bland box, and there is a difficulty in the process in trapping that sort of difference, and I think the design statement and maybe some sketches of what, and maybe a picture of something that is similar would be a good way of stamping that and saying, "That is now part of the legal obligation of the design". The other thing that obviously suffers and I think is enormously noticeable in housing schemes is the quality of the landscape and the hard landscape, and we have all seen the schemes where you are putting tarmac to the front door virtually everywhere and the houses really then do look like Lego, and so there is terrific value in that sort of public, private zone, little strip with a low wall, perhaps a railing, the type of footpath, the quality of the paving, whether it is black tarmac everywhere or a mixture, planting, trees, hedges, all those things, and in fact you could take some really pretty ordinary schemes

and if you just spent, I do not know, four months digging in new walls and gates and trees, they would actually transform them. Yet the houses themselves would not need to change. So I think that it is absolutely, there is the dumbing down of schemes is something that is a priority for delivering good design and it needs to be talked about early doors, I think.

Deputy G.C.L. Baudains:

Are you satisfied of the connection between Building Control and Planning? I am thinking of one example where we were talking about windows a moment ago, neighbours were satisfied that there were no windows on one particular elevation, then a window appeared. Planning were not aware of this window but Building Control had decided it could be there.

Mr M. Waddington:

What sometimes happens, and it is not a planning problem, it is probably a problem of the applicant, is that you get your planning permission, develop things up, something perhaps changes, maybe a client says, "It would be great to have an extra window in that bedroom", it gets put into the building control application and submitted and passed, because they do not care really, it is not a planning issue, and the applicant can then forget to send a copy to the planners and the obligation is to do that, and so I think it is something that falls through the net, probably from the applicant's point of view more than the Planning Department. I am not entirely sure, but I think on bigger schemes one of the building control sets of drawings gets sent automatically through Planning and they have a 2nd trawl through it. It is often quite difficult to spot the difference, because the change of the window would not necessarily need to be highlighted on Bye-laws drawings, because it is not a Bye-laws issue. So quite innocently, people would put a window in, not innocently, but they would not think to perhaps identify it as a planning change when you are doing the bylaws stage of the work. But it is an area, it does happen, and I am sure, from a neighbour's point of view, it is pretty frustrating.

Deputy G.C.L. Baudains:

It does appear to the public that there is a disconnect between the two entities and I wanted your professional opinion.

Mr M. Waddington:

Yes, I think there is certainly an area there that could be tightened and it would be, I am sure there are not many of those, but certainly the problem is, because they are neighbourly issues, they get amplified. So the few that get through are important and I think if that could be improved it would be very helpful, certainly.

Deputy S. Power:

Roy asked you a question a few minutes ago relating to the design process and he mentioned specifically the house in St. Clement that has caused a great deal of public controversy. There are other

developments around the Island, residential developments, where again I come back to the phrase “mediocrity in design”, where developers are shoehorning in, for want of a better phrase, a large number of small units of accommodation on a congested site. When you look at what happened in St. Clement, which is a large unit of accommodation, and we look at other sites around the Island, and I am not going to be specific, whereby there is mediocrity in design and where there is blancmange and as you say custard colours and that kind of thing, where do you think the planning process is failing the Island in that area? How are these getting through? If you were given the job tomorrow of being the chief planner on the Island, how would you stop this?

Mr M. Waddington:

Well, I think it is important to separate out perhaps the house in St. Clement because I think there are some clear planning issues there that are not anything to do with design, this would be to do with scale, prominence and real planning issues. I do not know the history of that, I will be honest. When I was asked to offer a building I did not like by the JEP (Jersey Evening Post), I did not know who designed it, so yes, it was simply a visual thing and I have gone back and looked at it again and I still think visually it is a problem and certainly in our experience, when it comes to dealing with inappropriate mass and scale, the suggestion of putting trees in front of something is never a material planning consideration, because we all know trees can die and in winter time they do not have leaves, so it does not really solve the problem. What would I do? I think I would go back to what I said earlier and go back to the very beginnings, I would work within the Department, as I know they are doing at the moment, to pull together their core design understanding skills, as opposed to designing skills, I would look to the early stages of the application process, I would look to providing an understandable framework for the design statement. That could pull in describing how the concept was generated, it could talk about context, materials, Jersey relevance, whatever people think is important about design. That should be there. It should be there and it should not be, I do not believe it should talk about style. It should talk about quality, people should be free to have whatever style buildings they want but the common denominator should be quality. I think there are areas where we should recognise there is an appropriate approach and an inappropriate approach. There should also be some means of linking those criteria with the skill of the applicant. In other words, if there is a lack of confidence in the applicant or indeed the developer/client committing sufficient resources and experience to producing something. There is a feeling that they will not be able to deliver it. It should be possible to say that. I think the design statement could indeed have a dimension that offered the applicant, where they felt they wanted to perhaps be innovative, to have the chance to capture the way in which they will deliver that in a way that was understandable and in a way which the team, if you like, would commit to, so it became an obligation. There is no point in saying, “I want to do an absolutely minimal California-style beach house here and it is going to be fantastic. It is surrounded by trees. It is set into the site. But it will be visible from this point”, unless you can say, “Well, have you done one before? How will the detailing work?” The next thing you find is some poor Jersey builder is trying to do render and block work and the whole thing has changed and that is unfortunately what does happen. I think it is absolutely fair to

say that there should be, early on, a discussion. On the other hand, if you wanted to take a safer, more traditional route, that should be fine too. But there should be equal commitment to the detailing of that building that makes it -- effectively takes it out of being pastiche, does it not? We all know that actually the difficult thing for lay people in particular, in other words the erstwhile Planning Committee or now the Planning Panel, they do not always understand drawings and drawings can tell you different things. The elevation drawings of what look like traditional buildings through the building process can become quite bland because what you see as lines looks like decoration and all the things we imagine it is. I think there needs to be a means of capturing that properly early on. After that, I think there ought to be a more carefully described context package for a planning application. If context is an important issue - what effect does it have on the surrounding buildings - that should be highlighted. To me, that would be as far as you go. After that, people have to be free. If people want to paint their buildings custard colours, plenty of our clients do as well and it is one of those things. They should be allowed to. People have got to be free to do what they want. I think it would be very useful if the Planning Department could - and I think they would say this - if they could say that schemes that explored interesting colour schemes would be viewed favourably. Most developers would say, "That sounds good. So if I do an interesting colour scheme", you know. And there needs to be some payback. Perhaps there is some payback. Maybe the planning obligations are viewed differently. I do not know.

Deputy G.C.L. Baudains:

You have spoken about the appropriateness or the inappropriateness of different decorative schemes. But, in your view, would there ever be a case for architectural innovation to be expressed through the inappropriate use of mass and scale?

Mr M. Waddington:

Inappropriate?

Deputy G.C.L. Baudains:

Yes.

Mr M. Waddington:

Yes. But I think there is quite a discussion about what "inappropriate" means. If you are saying tall buildings, is there an argument for them subject to various criteria, undoubtedly that is true. But the follow-on question is how tall and what are the criteria? The bottom line is, I think, it is probably a bit like modern art versus traditional art. Most of us would probably, I think, know a good building when we saw one. Certainly I go to London quite often and spend a lot of time looking at new buildings and some of them are quite big. The difference, I suppose, is I am looking at them in the context of the rest of London and the real difficulty is looking at a tall building in the context of the rest of Jersey. I think there has to be an opportunity for Jersey to leave its mark on the 21st century and I think there has to be the opportunity for Jersey to appear to be, in future generations, having displayed confidence in what

they were doing. At the same time, I think there is an enormous value to the very -- what I suppose most people take for granted in the Island. There is a lot of things here that are very ordinary but are actually constituting, I think, the real framework of our daily lives and they are very good. We would have to be very careful to strike a balance in that respect. It is something I have been thinking about for quite a while now but, yes, it is a very difficult question. Undoubtedly, there is no question it comes down to architectural quality. There will be limits, but the absolute given is -- I think the Minister has made it very clear that quality has to be world-class and that, of course, means looking outside the Island, I suspect.

Deputy R.C. Duhamel:

So you are not then suggesting that the Planning Department should, in laying down its plan in terms of what is acceptable and what is unacceptable, should automatically presuppose that everything will be of a uniformity and sameness? There will be cases where there will be breaking the mould on occasion?

Mr M. Waddington:

I know what you are saying and I think there was a danger without the Supplementary Planning Guidance that it would be construed that that would be the case, that six and seven storeys would rule St. Helier. There is no question that that would be boring, I think. The real question is building heights. I suppose the real question is a tower -- I notice that Brighton has just got permission for a 40-storey tower yesterday or this last week. So much of it depends on the proportion of these things. There are given formula in the UK for efficient residential towers and they usually comprise of trying to get a single escape stair in the middle and a couple of lifts and then to put four or six apartments around the outside. Well, if you kind of start to imagine four or six apartments, in order to get an elegant and slender tower, you have got to go a long way up into the sky. The difficulty is, if you do not, the actual idea of doing a residential tower becomes economically difficult because you effectively pay for a very expensive core and not much actually to sell around it because the core comes free with the flat, does it not? So there are issues with what a tower needs to be to be elegant. There may be issues to say that actually the residential component of a scheme may not be the best use for the tower component, and it depends really what the vision is for the whole area. If a tower is appropriate, probably the governing thing should be the actual proportion and slenderness of it, more than --

Deputy G.C.L. Baudains:

Do you think the Department should maybe publish some documentation to actually define in perhaps picture form or in a better form than they do what they mean by appropriate acceptable forms of design? Or should they leave it to individual members to interpret?

Mr M. Waddington:

In a funny sort of way, I think either they would not be able to do it or, if they did do it, it would be seen as so heavily prescriptive and subjective it would simply not pass the first hurdle. I think the only way

that those sort of discussions can emerge in a democratic way is through the process that is going on at the moment where developers are talking to recognised design experts in the UK and feeding back into another public consultation because, whatever happens and whatever UK experts deem schemes to be acceptable, there has always got to be a facility for Islanders to have their say as well. I believe that is what is going on or certainly what should have been going on up till now.

Deputy R. Le Herissier:

I was going to ask about public consultation. You do get this impression that in a way this week's debate on Goose Green is sort of symptomatic, that there is this war of low-level attrition going on between the public and the planning people and the public getting forever fed up with what is going on and somebody mysteriously enforcing all these identity estates upon them. How do you think, which is a very difficult one, but how do you think we could get better public involvement and move along to the kind of better design and better planning that you are seeking? How could we better square the circle, if that were indeed possible?

Mr M. Waddington:

I suppose the issues need to be in the public realm and I think the first step of the problem is solved in the sense that they very certainly are in the public realm. People are talking about all these things, so that is a good start. I think probably the second step is for people to better understand the issues they are talking about and there is a sort of educational role that certainly I think, through the Planning Department applicants and so on, Scrutiny Panel, there is a framework for perhaps trying to sort of set out and educate people about design and maybe about the planning policies that surround it. You are never going to shift the perception that somebody is going to object to 50, 60 or 100 houses in a rural area. It is a difficult -- it is a natural human reaction. I think all you can do is set about the criteria that led to whatever number ends up being acceptable, being at least understood. I would like to think that things like Architecture Week in October where we will have an exhibition in the Royal Square - I know Scrutiny have kindly offered to contribute to that - you will bring your message to that public forum. I think that is a fantastic way. It is not the only way but it is a fantastic way to engage the public, surprise them a bit, be provocative. I think really the public is ready for that and they are ready for slightly more intelligent kind of consultation process. I accept that consultation is a difficult thing. Very often, the way in which consultations are run, they are often steered away from perhaps the very lowest level of public debate. But I think it is a slightly impossible situation because, certainly with the rezoned sites, people will always have problems with that. It is natural.

Deputy G.C.L. Baudains:

Yes. Just changing the subject slightly, to what extent do architects feel constrained, or not as may be, by the Building Bye-laws? Does it inhibit innovation or new methods or improved methods of construction or is there sufficient flexibility?

Mr M. Waddington:

There is very little flexibility. Very interesting, that. A while ago I might have said it does inhibit innovation because there is a debate going on at the moment in the City of London where developers want to build glass office buildings because they feel that people in offices just want all glass. At the moment, there is an enormous drive in the UK to save energy and therefore the amount of glass is a big question. So you could say its stifling innovation, but actually if innovation is really about real issues, it has got to be about saving energy at the moment. That has got to be one of its outputs. Fifty years ago, it was probably about going around really fast. A hundred years ago, probably about developing railways and fifty years ago fast aeroplanes and now, if you look at aviation, it is about carrying the maximum number of people and using the least amount of fuel. So it is a question of what innovation really means and I suspect, in Jersey, it means - I think, anyway - energy consciousness and inclusivity in terms of access. All of those things are in the Bye-laws and, no, I do not think so. I think it is necessarily a very ... what is the word? It is a very inflexible document.

Deputy G.C.L. Baudains:

I was thinking of the difference between local and French methods of construction, for example, whether that is hindered by the Bye-laws or not or whether it is just the wishes of the local builders to build their particular way.

Mr M. Waddington:

It is inhibitive because part of the Bye-laws requires you to demonstrate that the products you are using comply with British standards or the various test certificates. There are difficulties if you bring something from another country and we are working on a scheme at the moment where some of the products are sourced from Europe and you just have to demonstrate they are as good as the counterpart in the UK. The frustration, I think, for some of the developers and builders is that sometimes they are better. It is just that the two documents do not match up. So you cannot technically show that, even though they may well be better. So I suppose I could argue that is the case. But if you really were serious about using innovative products from overseas, you do your homework early enough to perhaps iron that out. So there probably is the odd case where perhaps it is a little restrictive, but...

Deputy G.C.L. Baudains:

I have heard - admittedly, some time ago - of builders complaining that it was so prescriptive that basically there was only one product they could buy. Therefore, they were limited in what they could use and, I mean, does that still exist or is that...

Mr M. Waddington:

I do not think it does. When you think the whole of Albert Pier housing was built using substantially -- products that were not available in Jersey, that cannot be true. I think there are some people that would like to take a Transit van over to one of the local big building stores in France, buy a load of windows

and bring them back. I must say that some of the French joinery is not particularly high quality, so I think we have to be very selective about what we talk about. There are undoubtedly very good products in France, Germany, all over Europe. Sometimes it is just simply that the standards they comply with are incompatible with ours. That is where Building Control have a problem.

Deputy R. Duhamel (Chairman):

Right. Any further different subjects?

Deputy R. Le Herissier:

Just to wrap up, in a sense, are there any issues in the planning process that we may not have covered where you feel that you want to say something?

Mr M. Waddington:

I did make some notes based on these (refers to a list of 10 key issues identified by the Panel). I thought these were pretty inclusive and the general sort of bullet points that certainly I would have made. I do not agree with all of them, but that is something else. I think the Members will pick up on the points that we have discussed and I think I would suggest they would probably agree. But I have circulated these notes and, you know, not a lot has come back. One thing I did pick up - and I must share it with you - seemed to be relating to the Planning Minister and the extent to which he should be able to sort of be autonomous and do things or have to refer back to the States for sanctioning and so on. I must admit I read through all of this and I thought that really, on balance, it should be more like business and he should be left alone to get on with his own job. The point I have written down here is that meddling rarely makes anything better. I think there is an argument for saying -- you know, if I read this correctly, if people in the Island had said, "He is deciding too much", I think... We have got ministerial government. I personally think it is a very good thing. The culture shock is that decisions get made. They get made fairly quickly and, once they are made, you do not go back. But that is really only a culture shock possibly in politics. Certainly in business that is how it is done and that was probably the only comment I had. I felt that there was something working against that principle within there and I did not agree with it.

Deputy G.C.L. Baudains:

I think that may have arisen from an historical situation where at one time there were several developments almost in a row, as it were, that appeared to be quite unsatisfactory. The States Assembly was unable to direct the Minister. The only alternative would be to bring a vote of no confidence. Of course, that created an enormous hiatus in the operation and planning applications don't get dealt with for another month or two now. A new committee has to be brought in and all the rest of it. It was seen as a nuclear option, which consequently was never used, so the old nonsense kept rolling on. One wonders if there was not a better way of addressing that. The situation may not continue into Ministerial government.

Mr M. Waddington:

No, I understand that. Thank you.

Deputy S. Power:

Can I just come in on that? I think, relating to what we have discussed this morning which is the planning process and some of the mediocrity that has crept through, it is clear to me as the newest Member in this room today that people out there agree with a lot of what you have said. There is too much mediocrity. There is too much bad design out there. When we see what happened this week in the Assembly with Goose Green - we have another one coming in from St. Clement with Deputy Gorst - I have been approached by residents of St. Brelade because they raised a petition independent of me and because of that petition we now have to have a debate on that. You know, I am reluctant to become involved in the planning process. I am reluctant to be one of 53 planners. But because the public feels disconnected with what is happening out there, they feel outrage when they see almost three-storey developments being built in front of two-storey and single-storey developments. They suddenly say, "We have had enough of this. Can you do something about this?" I do not want to be a planner. I want to leave that to the Planning Minister and I think that is what is happening out there. People feel enough is enough and that is why these things are coming into the States. We are reacting, rather than initiating.

Mr M. Waddington:

I can understand that and it is a fairly unenviable position to be in, having - being the conduit for a lot of fury, I am sure. I can understand you not wanting to meddle with the process of planning, other than to simply say - and I think it is valid - that there are areas of the process that perhaps are not serving the public as well as they should.

Deputy S. Power:

Or failing?

Mr M. Waddington:

Well, ultimately that could be the case, yes. There has to be a positive message that perhaps there are ways in which they can be modified and not thrown away. Today, we are talking about throwing things away. They are just simply ways of reinforcing some of the early stages that would be extremely beneficial. I do not know whether that gets ranting neighbours off your back or not, but it is at least a positive, constructive step or series of steps that could be introduced. One would have to have confidence that the planning process as it exists now would be looking at those sorts of overbearing issues and dealing with them properly and dealing with them in a way that is fair. I think, reading between the lines from what you said and some of what is written here, it is that the average man in the street that wants to build an extension to the back of his house is subjected to pretty severe planning restrictions. If you want to put 8 or 12 houses in a big back garden and demolish the house, you are

probably going to be okay. I can understand that perception. I do not think it is entirely valid, but I can certainly understand it and I can think of one or two developments that push the limits beyond what I think is acceptable and I wonder how they ever got permission.

Chairman:

Right. Any final closing comments you would like to make?

Mr M. Waddington:

Not really. I suppose the closing comment that I would have would be the positive support of the States being involved in the discussion of design and a better understanding of it with people that are involved in it. Obviously the health warning being that I would hope that did not constrict design too much. There should still be the opportunity for creativity. But a better shared understanding of it is something I know that personally I would support and I know that all of our members of the AJA would be delighted to do. I do not think there is anything better than when Alistair Layzell and Nigel Queree introduced promoting better design and we presented to the then Planning Committee and we debated it and everybody suddenly felt that there was greater interest in the subject. Hopefully that has served us reasonably well.

Chairman:

Right. Okay. Thank you for your time and thanks to the Association of Jersey Architects. It has been pretty good. Thank you.

Mr M. Waddington:

Thanks.

Deputy S. Power:

It might be useful, Chairman, at some stage in the future for the Association to consider getting together with the Planning Minister and this Panel. I think we are all heading in the same direction.

Mr M. Waddington:

I agree. I have never thought anything other than -- I mean there is obviously some suspicion that architects are driven by developers and it is an us-and-them situation. But actually really the objectives are largely common. They really are, I think, and I think it has always been interesting when the Planning Officers have met members because I think that is one thing that comes out of those meetings. People walk away feeling, actually, that is quite encouraging. That would be very good, if it could be arranged.