

#### **4. Questions to Ministers without notice - The Minister for Planning and Environment**

##### **The Bailiff:**

Very well, all that brings questions to the Minister for Housing to an end. Before we move on to questions to the Minister for Planning and Environment, Mr Richard Collas, the Bailiff for Guernsey, is sitting in our Court of Appeal this week. He is taking time out from that and is presently in the gallery to see how we do things in the States. [Approbation] Very well, now we move on then to questions to the Minister for Planning and Environment. Deputy of St. Martin?

##### **4.1 The Deputy of St. Martin:**

Can the Minister appreciate the public's frustration and confusion with a planning system which allows one Methodist chapel to remove the pews and another not to?

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

I can imagine the public's confusion but then again we have an open planning process that allows the decisions to be fully explained as to how we arrive at them. I think on that basis the potential for misunderstanding is minimised.

##### **4.1.1 The Deputy of St. Martin:**

At a recent Planning Applications Panel meeting, my own Methodist Chapel in St. Martin thought they had, by working together with the panel and officers, found a commonsense solution to a problem of disabled access. Could the Minister explain his rationale behind reviewing this decision and delaying the project further and, more importantly, will he inform the Assembly how quickly he will announce his decision; a decision that could and should have been made quickly and easily many months ago?

[11:45]

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

The protocol by which the Minister is responsible for the overview of any decisions that are being mooted to be undertaken by the Planning Application Panel is very clearly set out and agreed by this House. The way it stands at the moment is that any recommendations against officer advice are put to the Planning Applications Panel and the Planning Applications Panel comes up with an alternative point of view, the decision is not made by the Planning Applications Panel at that meeting. The issue goes on to the Minister to consider whether or not there is a serious misjudgement in terms of the advice being given by the officers, which would require changes to the Island Plan, whether or not there is a serious misinterpretation of those policies being put forward by the officers via the Planning Application Panel or, indeed, everything is tickety-boo and the application should go back to be ratified by the Planning Panel themselves or by the officers taking the decision. That is quite clearly understood and I think the suggestion that the Minister is interfering or delaying the process is fundamentally flawed, and the Deputy is mistaken in perhaps suggesting that that is the case. This Minister does not interfere with very many of the applications compared to previous incumbents of the office. The number of applications that I do review is very, very small. That in itself shows the level of confidence that I place within the Planning Applications Panel and, indeed, in the officers that are making the decisions which are delegated to them. I do not consider that in relation to...

##### **The Bailiff:**

I think, Minister, a fairly concise answer, if you would.

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

One last thing, Sir. I do not consider that in relation to this particular application for the church access that the whole issue will be unduly delayed. I have made arrangements to visit with the Heritage officers, and a decision will be forthcoming within a very short period of time.

#### **4.2 The Deputy G.P. Southern:**

What do the indications of the 2012 Jersey population projections recently released have for the Department of the Environment and what, if any, limits does he see on the expansion of population?

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

I think it is fundamentally right that the Minister for Planning and Environment should be severely worried if indeed the floodgates are going to be opened to immigration in order to achieve the economic growths that we all want to take place. Certainly, if that is the case to the levels that have been hinted at within the statistical work undertaken by the Department of Statistics, it does set up very real challenges in terms of the amount of housing that we will require, the amount of infrastructure investment in the face of reduced capital funding that we have available and, indeed, the long-term prognosis for the orderly development of this Island.

#### **4.2.1 The Deputy G.P. Southern:**

Does the Minister have any particular limits, numbers set, on population growth?

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

I think I am in accord at the moment with the directions and the decisions that were taken by this House a number of years ago where we suggested that the population should be fixed, limited to 100,000 as far as possible, and immigration policies designed to suit. That said, if indeed we do decide to break the banks and to allow the floodgates to open in terms of immigration, then the Minister for Planning and Environment will have to take all of these factors into account, as I have said, to provide for an orderly redevelopment of the Island if, indeed, that is what this House wishes.

#### **4.3 Deputy S. Pinel of St. Clement:**

I did not have time earlier to ask a question of the Minister. I share the concern of the Connétable of St. Peter over the delay in decision-making in the Department of the Environment and the consequent stifling of the construction industry. Any listing is onerous on property owners. My question is: who does the Minister think will pay for the upkeep of listed gardens?

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

As I mentioned in my answers to the question previously, I do not think the 2 are that linked. It has been overstated, I think, by media misrepresentation that this Minister is suggesting that he comes forward with a new listed gardens policy which would seek to list tomato grow bags, window boxes or garden gnomes. That is not the case and, indeed, as I mentioned earlier, there are only around 35 gardens that are under consideration. That said, the number of those gardens that do achieve the recommendation by the officers for a formal listed designation will, I think, be significantly fewer than that number. I do not see that this work constrains the work in the building industry in any shape or form. I have to repeat, I am afraid, Sir, if I am allowed, that we do have at present nearly 1,500 dwellings which could be built. If we look at the applications that are being currently looked at by the department, they number about 450. 90 per cent of all of those are for minor works, and that is a reflection of the current economic recession. When people decide that they have got more money in their pockets, I think the development permissions that this department and the Minister have already given will be converted into real life dwellings, and that is something that is entirely out of my and the department's control.

#### **4.4 Deputy J.M. Maçon of St. Saviour:**

What priority is the Minister and the Department giving to the Affordable Housing Policy and when will it be presented to this Assembly?

**Deputy R.C. Duhamel:**

This House decided as far as the Island Plan, that it wanted the Minister for Planning and Environment to come forward with an H1 and H3 policy and, specifically, to come up with not only a definition of affordable homes that suited the pockets of the major number of our residents, but also to find a workable solution that would engage the private sector as well the public sector. That is what is being undertaken at the moment. The process of consultation in order to bring forward a supplementary planning guidance note to this House for proper debate to be agreed, before we move forward on whatever mechanism is going to be agreed upon, is under way. We reached a little hiccup a number of months ago where the Construction Forum decided that they did not particularly agree with what had been previously put forward by my predecessors, and so other suggestions have been put to that body to comment upon. The process of consultation, or the second round process, has almost finished. Industry members have asked for a further 2 weeks to come up with their report. This is what I have done and I am expecting that report at the end of September. After that, it will go to the Council of Ministers for comment and then for a further short round of public consultation before a decision is taken and the documentation is brought by way of report and proposition to this House for all States Members to decide upon.

**Deputy J.M. Maçon:**

I wonder if the Minister could clarify, I could not quite catch it in his answer, but when does he intend this work should be presented to the Assembly?

**Deputy R.C. Duhamel:**

I had hoped to present it to the Assembly by the end of July but, because of the going round with a second round of consultations, that has taken slightly longer. So I am proposing to bring forward the supplementary guidance to this House before the end of the year and if I cannot make that deadline, then certainly by the very beginning of next year.

#### **4.5 The Connétable of St. Peter:**

The Minister for Planning and Environment has recently called in decisions made by the Planning Applications Panel. Can he advise us of the extent of his concerns and does he continue to have confidence in his panel?

**Deputy R.C. Duhamel:**

Sorry, could the Constable repeat the final ... does who have confidence?

**The Connétable of St. Peter:**

Sorry. I will read it again. The Minister for Planning and Environment has recently called in a number of decisions - I think possibly 7 - made by the Planning Applications Panel. Can he advise us of the extent of his concerns and does he continue to have confidence in his panel?

**Deputy R.C. Duhamel:**

As I mentioned earlier, I have full confidence in my panel and we have had recently a number of meetings to iron out any potential differences of opinion. But there is a protocol and the protocol must be followed, in my view, until other protocols are brought perhaps to take their place. But at the moment I do have the support of the panel and they have my support. The number of decisions that are made contrary to officer recommendation though is the key, if you like, or the trigger, to trip the referral back to the Minister to cast his eyes over. It is not a case of the Minister calling in applications and that is a fundamental misunderstanding on behalf of the Constable of St. Peter.

### **The Connétable of St. Peter:**

Sir, if I may, another clarification? Therefore, listening to the Minister's answer to that question, what I have taken from his answer is that he does not think the panel should have the opportunity to challenge the officers' advice and make its own decisions?

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

No, not at all, that function exists. In the 6 applications out of a very heavy schedule and agenda that the Planning Application Panel undertook fairly recently, 6 items were referred back to the Minister. Those 6 were deemed to be of a minor nature, although they were against officer recommendation, and they have been sent back to the Planning Applications Panel for ratification of that decision, against officer advice. So that shows that this type of decision-making can take place by the panel, and does. One was a tied vote and automatically has to come to the Minister, another one was a decision taken by the Planning Applications Panel where they did not want to make the decision so it was referred back to me, and the final one was a question that has significant potential repercussions in terms of the historic advice and in terms of access at the St. Martins Methodist Church and that, as I said, is being undertaken to be reviewed by myself in as early a timeframe as possible.

### **4.6 The Connétable of St. John:**

Given the Minister's comment at an earlier time that the Zion Chapel could be used as a theme pub or similar, will he review yet again lifting the S.S.I. on the interior of the building so that the pews and the organ *et cetera* can be removed, and also meet with the owners of the property, the trustees, and move forward so we do not have a derelict building left in the centre of the Island.

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

This Minister has met with the trustees of the building, as was reported somewhat within the media, and I think the department officers and myself have forwarded some useful helpful advice over and above the very loose reported suggestion that it should only be considered as a theme pub, which has been taken completely out of context. There are a number of uses for that building and Members must not come to the conclusion that the planning process has forbidden any type of reuse of the Zion complex, which does not just consist of the main Methodist chapel, but also consists of the manse buildings and other buildings to the rear, which the department officers and the Minister have suggested to the trustees can be and should be converted into residential accommodation. The only matter of difference of opinion at the moment is the extent to which the interior fixtures and fittings, as seen in historic terms, are of benefit to the policies that we have got for historic buildings. As I have outlined on many occasions and have to reiterate, the fact that a building is listed for its architectural fixtures and fittings does not imply that those fittings could be removed. We have the listed status of the town church and we have undertaken just recently a refitting process which has removed all of the pews that were there and replaced them with chairs, but a more modern construction.

### **The Bailiff:**

Minister, I am sorry, I am going to have to ask you to be a little bit more concise, if you would, because there are a number of Members who wish to ask questions.

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

Sorry, Sir.

### **4.6.1 The Connétable of St. John:**

A supplementary on that, Sir? Is the Minister aware how frustrated the trustees and the parish are over this entire... what I will call a fiasco? [**Approbation**].

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

Yes, I am. I can understand what appears to be frustration, but we are being told that the part of the exercise that is being entered into by the trustees at the moment is a testing ground exercise, if you like, as to the limit to which the Minister for Planning and Environment will go in order to allow the trustees to derive the maximum financial value so that the property can be passed on for further development by developers. That is not necessarily the best way to consider the benefits of any redevelopment of that particular place or any other.

**The Bailiff:**

I know there are other Members who wish to ask questions but I am advised that brings questions to the Minister for Planning and Environment to an end. **[Members: Oh!]** Minister, I think on a future occasion I shall be stricter on the length of your answers. **[Approbation]**

[12:00]

I appreciate they are difficult concepts, but it is important as many Members as possible have the chance to ask questions.

**Deputy R.C. Duhamel:**

Or perhaps, Sir, equally, we might set Standing Orders aside and allow me double the time.

**The Bailiff:**

No. I think concise answers are a better solution. **[Laughter]** Very well...