

## **5. Questions to Ministers Without Notice - The Minister for Planning and Environment**

### **5.1 The Deputy of St. Mary:**

Given the Minister's insistence that there be no building in the countryside or no fresh building on any sort of scale in the countryside, and given his fellow Minister's commitment, which we just heard, to equal rights for all residents, can the Minister confirm to Members that he has a firm vision for the quality of life for residents in St. Helier and will he inform the House briefly what are his top priorities in this regard?

#### **Senator F.E. Cohen (The Minister for Planning and Environment):**

Firstly, the Island Plan is still to be consulted upon for a period of 2 months as a public consultation, then there will be an examination in public by an inspector. So it is not until then that I will know precisely what plan I am going to bring to the House.

#### **The Deputy of St. Mary:**

May I just ask what are his top priorities?

#### **Senator F.E. Cohen:**

I am getting on to that. The assumption that there will be no development in the Green Zone may be modified depending on the results of the public consultation. My priority in terms of regeneration of urban areas is that we provide the highest quality accommodation. The urban areas deserve regeneration, they deserve regeneration by the provision of the highest quality residential accommodation. We have made a start in that respect by ensuring that minimum standards have been increased by 10 per cent but there are issues like ensuring we have competent architecture, ensuring we have competent landscaping and ensuring that we have the provision of adequate amenity space. So those are my top priorities.

#### **5.1.1 The Deputy of St. Mary:**

May I have a supplementary? I am surprised that the Minister does not mention the very low supply of green spaces and outside spaces where people can sit out and where children can play and so. Does the Minister ...

#### **Senator F.E. Cohen:**

I just mentioned amenity space.

#### **The Deputy of St. Mary:**

Sorry, I missed that word "amenity space". Does the Minister agree that provision of space for people of all shapes and sizes is urgently required at St. Helier to become a truly desirable place to live and will the Minister agree to a comprehensive audit of the open space given over to motor vehicles?

#### **Senator F.E. Cohen:**

The Deputy has particular views on motor vehicles and I do tend towards some of his thinking. One has a choice with designing urban areas, you either design them around the motor vehicle or you design them around people. Any compromise is just that; it is a compromise. I would prefer to see urban regeneration designed around people with the provision for motor cars subordinate to that.

### **5.2 Deputy M.R. Higgins:**

I would like to ask the Minister how he can justify the increases in the planning and bylaws fees announced on 23rd December 2008, which in one case amounted to 240 per cent. Does he not think that the States has an obligation not to add to inflation in the Island and not to make life

difficult for the building industry and for private residents at a time when the Island is likely to enter into a recession over the next few months?

**Senator F.E. Cohen:**

The increases in building fees will not have any affect whatsoever on private residents. The way the Planning and Building Bylaw increases were structured was that they were entirely levied on large commercial development and there was some consultation before the new fees were implemented. Of course they were part of the business plan that was debated by the States. The costs have increased but they have increased because we have now placed commercial developments on a square metreage basis. That is, in my view, a highly equitable way of assessing planning fees and the only effect it will have will be on land values. It will not affect the sale prices of units to the consumer.

**5.2.1 Deputy M.R. Higgins:**

Again, does he not agree, though, that 240 per cent is quite a staggering increase in costs to the building industry at this time?

**Senator F.E. Cohen:**

It is a large percentage increase but it has taken commercial planning applications from effectively being *ad hoc* block assessment to a square metreage basis. It is perfectly equitable, it is far better than the old system and it will not, in any way, impair the development process in the Island. The fees are relatively insignificant when you compare them to the value of what is produced.

**5.3 The Deputy of St. John:**

Can the Minister explain why in 2009 some glasshouse growers have to have their glasshouses illuminated late into the night, thereby causing public nuisance in some cases to the neighbours and the like? Given that he has responsibility for the environment, what action will he be taking to stop this practice which is outdated and outmoded?

**Senator F.E. Cohen:**

Light pollution is not the exclusive domain of the Minister for Planning and Environment. However, this is an issue that I am well aware of, there is ongoing work as we speak - and I am happy to include the Deputy in that work - to reach an equitable solution because I do agree with the Deputy that it is unfair that people should be unreasonably disadvantaged through light pollution.

**5.4 Deputy R.G. Le Hérissier:**

Given the ageing population and given the enormous catch-up that may be required in providing disabled facilities in homes, is the Minister concerned that sometimes the need to provide disabled facilities or to extend homes to accommodate an elderly relative is often impeded by the rigid application of Island Plan principles?

**Senator F.E. Cohen:**

The answer is yes but as I alluded to in an answer earlier, the Minister's authority in relation to exceptions to the Island Plan are limited and the Minister can only make an exception to the Island Plan if it is clearly an insubstantial departure from the Island Plan. The alternatives are that the Minister calls a public inquiry or that formal rezoning takes place.

**5.4.1 Deputy R.G. Le Hérissier:**

Is the Minister saying that when somebody has a legitimate case which, for example, might lead to a modest extension of a house or to the installation of facilities for the disabled, at the moment he has no method of flexibly dealing with this?

**Senator F.E. Cohen:**

No, I am not saying that. When one is talking of a modest extension or perhaps a large extension to an existing unit, there are often possibilities for the Minister to approve such an application and I would seek to do so, subject of course to the particular circumstances of the case.

**5.5 Deputy M. Tadier:**

If we are to adequately house all people in Jersey on an equitable basis - that is without discrimination and therefore also extending to non-qualified residents - how many new units will be required and does the Minister have plans to provide them?

**Senator F.E. Cohen:**

No, I do not have the answer to the question because the key is the population debate. What I can say is that it looks as though, with the present analysis - and that of course could change through the Island Plan process - that we can accommodate up to 200 new families per year through redevelopment of the urban areas alone. But that may require modification as we progress the Island Plan consultation process. That is the indication at the moment.

**5.6 Deputy D.J. De Sousa:**

When consenting to new developments will the Minister listen to the people of the Island when only last night in the *J.E.P. (Jersey Evening Post)* there were printed results from the Green Paper on the Island Plan, and the consensus was that people largely say they would rather have any further development kept to currently developed areas and possibly building slightly higher than is currently the case.

**Senator F.E. Cohen:**

The answer to the Deputy's question is emphatically yes. Higher is a difficult issue. I have recently, as Members will know, made a decision to approve quite high buildings at the Westmount Quarry site. It is quite a test of policy. However that is an exceptional case because the buildings are protected by a higher escarpment. There are very few sites like that in Jersey. I think that the potential for higher is limited but, yes, we should go higher. Thank you.

**5.7 Deputy P.V.F. Le Claire:**

The Minister recently commented upon the decisions that were taken by the Minister for Transport and Technical Services in relation to blocking some suggestions in terms of traffic from the EDAW Plan and he found that those were taken as Ministerial Decisions reportedly without his knowledge. Could he express to the Assembly what progress has been made in this regard and what problems will occur if that continues?

**Senator F.E. Cohen:**

I think this is a complex matter and the best way to resolve it is for the Council of Ministers to consider what are effectively opposing positions. I, as Minister for Planning and Environment, clearly seem to have a different view to the solutions of regeneration in the town than my colleagues at Transport and Technical Services. That does not mean that there is a huge problem in resolving the opposing positions but we need to sit down and clearly resolve issues that are to some extent quite opposed.

**5.8 Deputy J.B. Fox:**

Would the Minister agree that with the proposal to increase the density within St. Helier that the residents of St. Helier also have a right to at least be able to take out their children and their dependent parents, et cetera, by having the opportunity for the storage of a car in a car park, because many of the developments are having these facilities sold-off or not included within the developments? Could the Minister please comment?

**Senator F.E. Cohen:**

The issue of the provision of motor car spaces and linking the motor car spaces to a particular residential unit is quite complex because on the one hand if the motor car is going to be the driver, you want to do that, but on the other hand providing accommodation without motor car spaces makes the accommodation less expensive. There is plenty of empirical evidence to support that. We need to address the issue of how we are going to regenerate our urban areas and at the same time accommodate the motor car. It is going to be an accommodation because you cannot do both. You cannot design the urban regeneration around motor vehicles and ensure that it best serves the design for people. It is an accommodation and there will be some compromise.

**5.8.1 Deputy J.B. Fox:**

One way I would suggest for consideration is to control where the commuters manage to find a huge amount of parking within the residential areas, probably because their companies or their wealthy individuals can afford to buy them at the expense of the resident. Would the Minister like to comment?

**Senator F.E. Cohen:**

Yes, I think that is a very good point but, as in all development in the town, I am interested and want to seek the views of the representative Deputies and if, in a particular development, the Deputy has a particular view on car parking provisions I would very much like to hear from him as his view is valid and will be taken into account in the determination of any particular application. But at the moment it is on an application by application basis.

**5.9 Deputy T.M. Pitman:**

With the continued disappearance of hotels - a major concern if the Island is to have any future as a tourist destination - could the Minister clarify whether the new owners of the Water's Edge have been advised that permission will be granted to knock down and build apartments?

**Senator F.E. Cohen:**

I am not sure that the report that the Deputy and I read last night, which is the first I have heard of this, is entirely correct. I think before answering that question I would like to clarify the report of the change of ownership and respond to the Deputy and Members in writing with accurate facts. Thank you.

**5.10 Deputy J.A. Hilton:**

In a previous answer to Deputy Fox about listening to town representatives and taking on board our concerns, I am not absolutely sure that the Minister has done that. Certainly when the District Deputies met with the Minister to air our concerns on the Westmount development, I believe I am correct in saying that when I mentioned the fact that this House had agreed to a minimum standard of 650 square feet last October on one-bedroom apartments and I asked the question why could that not be applied to developments in St. Helier, I am sure I am correct in saying that the Minister said he would go away and he agreed with me on that. I am sure.

**The Deputy Bailiff:**

What is your question, Deputy?

**Deputy J.A. Hilton:**

My question is I do not believe that the Minister on that occasion listened to the District Deputies about our concerns on the Green Backdrop Zone at Westmount Quarry and the size of the rooms in that development.

**The Deputy Bailiff:**

That sounds remarkably like a statement rather than a question.

**Senator F.E. Cohen:**

I take exception to the comments of the Deputy. I went to some effort to consult with the Deputies, I produced with them a long list of the Deputies' requirements and I did everything I possibly could to modify the scheme to ensure that it met as many of those conditions as possible, including the inclusion in the consent of community rooms, of a gymnasium, increasing some of the requirements upon the developer, ensuring that we were not left with a scheme that was partially completed. I think I have done everything that I possibly could have been expected to have done to meet with the joint Deputies' concerns. As far as unit size is concerned the 650 square feet is not 650 square feet, it is larger. It is 66 square metres, which I think is about 710 square feet, and that applies to the retirement homes propositions. As the Deputy will see from the analysis I sent her, the unit sizes at the Westmount Quarry site are spacious indeed. Her problem is that what will result from the increase in apartment sizes, and room sizes particularly, is that you will end up with a one-person apartment potentially being occupied by 2 people because it becomes larger by the fact of constantly increasing the minimum size requirements. But I am afraid that is just a function of increasing the minimum requirements by 10 per cent.

**The Deputy Bailiff:**

Very well. I am afraid that brings questions to the Minister to an end.