

STATES OF JERSEY
ENVIRONMENT PANEL
TUESDAY, 25th JULY 2006

Panel:

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

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

Deputy S. Power of St. Brelade

Deputy R.G. Le Hérissier of St. Saviour

Connétable K.A. Le Brun of St. Mary

Witnesses:

Deputy J.A. Hilton of St. Helier

Deputy R.C. Duhamel of St. Saviour:

Welcome. I gather you know everybody around the table.

Deputy J.A. Hilton of St. Helier:

I do, yes.

Deputy R.G. Le Hérissier

We have all got a cross to bear.

Deputy J.A. Hilton of St. Helier:

You said it, Roy.

Deputy R.C. Duhamel:

I have to read you the convening notice. 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 panel's proceedings are covered by parliamentary privilege through Article 34 of the States of Jersey Law 2005 although at present this privilege only extends to Members of the States. As a result you are protected from being sued or prosecuted for anything said during this hearing although this privilege should obviously not be abused. The proceedings are being recorded and transcriptions will be made available on the Scrutiny Web site. When you are speaking can you bear in mind that the microphone is in front of you so do not mumble in the background as

some of us tend to do. As you know, this particular Scrutiny Review Panel and review is being undertaken by Deputy Baudains, assisted by Deputy Le Hérissier and they will hopefully be asking the main questions and the other 2 Members, myself included, would be supplementing. I would like to kick off, if I may? Deputy Hilton, you have had in your experience of being a States Member, some responsibility for the planning process and, indeed, you were at one stage the Chair of the Applications Sub-committee and on the panel. Would you outline to the Panel the particular difficulties connected with the planning process that you have experienced?

Deputy J.A. Hilton of St. Helier:

Particular experiences? Difficult experiences?

Deputy R.C. Duhamel:

Any anomalies, anything that did not particular work well and things like that. Any major difficulties. If you start with the biggest ones we may be interested in those.

Deputy J.A. Hilton:

Have you anything in mind?

Deputy R.G. Le Hérissier of St. Saviour:

No. Just, as you worked through the process what sort of things hit you?

Deputy J.A. Hilton:

Generally speaking, I think things worked well but ultimately I believe the process is only going to be as good as the information or advice given by the officer and regardless of how much you try and tie the process up so that it is as water-tight as possible, if the advice or information falls down in any way, then the system is going to fail.

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

Could I come in on that particular aspect which you have just raised which is one item I had down in my notes to pursue and that was the question of understanding? In my own case I am lucky I can read engineering drawings. I have an advantage when it comes to plans, but the point I am trying to make is that most politicians are laymen in the areas in which they are making decisions. Do you believe, for instance, that officers who clearly have a professional knowledge of planning issues... are they pitching the explanations and advice that they give the politicians who will make the decisions at the right level? If I was explaining an engineering issue to a fellow engineer I would do it completely differently from the way I would do it to a member of the public. Are they explaining things in a way which the Panel fully understands what it is dealing with?

Deputy J.A. Hilton:

The only comment I can really make about that is that in the past when I was involved in applications, that generally speaking, yes, the information would be presented in a way that we would understand but, as I said before, the information is only as good as what we are given and I am going to come back to that.

Deputy G.C.L. Baudains:

I presume in that regard the Trinity In-fill was one particular case where we have had the papers on that. We all know what happened, but in that regard my understanding is that insufficient information had been given to politicians. Would you concur with that?

Deputy J.A. Hilton:

I would, yes, absolutely, but I did not think I was going to be asked questions on Trinity this morning. If I had been aware of that fact I would have gone back over the report but the answer to that would be, yes, absolutely.

Deputy G.C.L. Baudains:

No, we are only looking at it in a broad overview, not in fine detail. So, on matters such as design briefs which we have also heard a lot about from people we have interviewed previously, it seems to be that many people, or many members of the public do not understand the importance of design briefs and the ramifications of approval of design brief by the Panel as it is nowadays. In your view, again, do the politicians have sufficient information and explanation when they are addressing a design brief? Do they fully appreciate that the approval of a design brief sets in concrete what will be built thereafter, and no pun intended?

Deputy J.A. Hilton:

The difficulty I had with the design briefs and the Island Plan is that we can all go back to the Island Plan and say it was a brief democratically agreed in July 2002 and unfortunately the figures were put into the plan for the H2 sites and we are all very aware of the difficulties this has caused since. Obviously, from my time on the Environment Committee under Maurice Dubras then latterly under Senator Ozouf, we were very aware of the amount of concern there was with the numbers game basically. I think it probably... well not probably. It did come up at the time. Questions were asked about the design brief in relation to the numbers given in the Island Plan and there was no real difference between what came out in the design brief and the figures quoted in the Island Plan until we came to the big Goose Green Marsh site. I am not quite sure because I have not really gone into the application because obviously I left the Committee 2 years ago before any application was submitted, how the design brief for that site differed from, say, Jambart Lane, that we came to an application being submitted for 50 per cent more houses than was agreed by the States on the Island Plan. I am not quite sure how we got there.

Deputy G.C.L. Baudains:

Just staying on the design brief because we had quite a lot of information on that yesterday from members of the public. It does occur to us that the public probably do not appreciate the importance of a design brief so what I would like to know from your first-hand experience of this is in your view is sufficient consultation with the public made over design briefs because this is really the last opportunity to make any major alteration? Is there sufficient consultation and are the public generally made sufficiently aware because the impression we get is that people think the time to make adjustments to development is –

Deputy J.A. Hilton:

At the planning application stage.

Deputy G.C.L. Baudains:

at the application but, of course, after the design brief basically the application is cut and dried?

Deputy J.A. Hilton:

I think that certainly on the H2 sites that the process has probably left a lot to be desired and that there has not been that public consultation. I mean there are States Members who do not fully understand that the planning process. So, how on earth are members of the public supposed to have a full understanding of it? I do believe the whole thing should be looked at again and that is why I welcome this. If it means that the public are more engaged in the application process then that has got to be a good thing.

Deputy G.C.L. Baudains:

We do not understand it, that is why we are asking you.

Deputy J.A. Hilton

Right. Okay.

Deputy G.C.L. Baudains:

So can you imagine a better process? If you were Minister what would you do to ensure that design briefs in future are properly acknowledged by the public and properly debated by the public because, as I said, most people believe that the time to make submissions is on the application but in the case of rezoned sites with a design brief, that is too late?

Deputy J.A. Hilton:

It is too late but -

Deputy G.C.L. Baudains:

Is there a process that could be improved upon then?

Deputy J.A. Hilton:

I am not sure because if applications have been submitted, for the H2 sites we are talking about now, in line with what had been agreed in the States, would we be where we are now? That is the question I would ask myself and I am not sure that we would. I think the public, certainly as far as Goose Green Marsh goes, feel that States Members agreed something and then suddenly it comes back as something a lot more. They have concerns about traffic and schools and all the rest of it. They would have been happy, well not happy but they would have accepted that there should have been development on the site but they thought that they had agreed this number in the Island Plan and suddenly it was not that and so it made the whole thing worse. It makes people very angry.

Deputy G.C.L. Baudains:

Well, we had a situation yesterday with people being concerned because they thought that there was going to be one-and-a-half storey properties built and now they find it is probably two-and-a-half storey and they feel they have been misled.

Deputy J.A. Hilton:

Why? Because this differed from what they were shown at the consultation stage?

Deputy G.C.L. Baudains:

Yes.

Deputy J.A. Hilton:

On the Goose Green Marsh site?

Deputy G.C.L. Baudains:

Yes.

Deputy S. Power of St. Brelade:

Can I come in on a supplementary here, Deputy? It is clear that there appears to be a disconnect between what appears to be public consultation at an early stage. We have 2 specific examples. Now, you have given one on Goose Green Marsh and another one came up yesterday afternoon whereby another site... the public at that stage, at a public meeting, were given an indication that the development on a particular site would be one-and-a-half storeys and it came back as two-and-a-half storeys. In that case there is a suggestion that the public consultation is a meaningless process. Would you agree with that?

Deputy J.A. Hilton:

If the public are being shown plans, or given an indication that it is going to be 1½ storey houses and

when the application goes in it is 2½ and they were consulted on 1½, obviously there is a failing in the system. There has got to be. I mean I do not know which site you are talking about.

Deputy S. Power:

It is in St. Brelade. There is a view that public consultation is more a PR exercise than a public consultation and that when the States went out with the Island Plan 2002, whether it was to St. Lawrence, St. Clement or St. Brelade, the public end up being disaffected, disgruntled and unhappy with what has subsequently come forward in a development brief, a design brief or a draft design brief. Do you concur with that?

Deputy J.A. Hilton:

The only thing I can say about that is if the public were consulted on a plan or a development or they have been consulted on one-and-a-half storey and then suddenly it comes back much larger, then I agree there is a difficulty there. I can understand why the public feel disenfranchised with the process.

Deputy G.C.L. Baudains:

Could I ask you, just staying on design brief a moment longer, how long does a panel normally spend considering a design brief? Are sites visits involved? Do you go out to the site?

Deputy J.A. Hilton:

What do you mean by a design brief? Are you talking about the H2 sites? The development briefs?

Deputy G.C.L. Baudains:

Sorry, development briefs.

Deputy J.A. Hilton:

Right. I have only ever been involved in development briefs under the old Environment and Public Services Committee and, well Deputy Duhamel has been involved in a couple of development briefs so he can probably answer the question just as well as I do, but my recollection was that a development brief obviously comes out of the policies that are contained within the Island Plan. The Island Plan was agreed and the development brief came out of that. I am not sure because in 2003 I had only just been elected on to the Committee so I cannot recollect on any particular brief what happened prior to then because some of those briefs must have been worked up in 2002. I was not on the Committee so I do not quite know what happened prior to then. My recollection was that we did spend a considerable amount of hours on them.

Deputy G.C.L. Baudains:

Yes, what I was trying to understand was how much detail the politicians were given, how deep they went into the issue and whether, as I said, site visits were perhaps involved because clearly there was a

lot of information going into that brief coming from various sources, be it Education suggesting that schools could or could not cope, the gas company telling you the mains could or could not supply. I remember on the Jambart site there was a question about could the water works company supply enough water and all these pieces of information coming in which obviously if they are not correct then the developer is going to have some problems when he puts in an application that complies with the development brief. So what I am trying to find out is how much care went into making sure that the brief ...?

Deputy J.A. Hilton:

Well, I certainly know on Jambart Lane, because of the concerns that you raised, that it appeared to me that at the time a tremendous amount of work went into answering the questions about water drainage and all the rest of it. We visited sites in 2003. We went around and spent a whole day visiting various estates on the Island to look at densities, design and to look at the good, the bad and the indifferent to give us some indication of what worked and what did not work. I clearly remember that and I clearly remember forming an opinion on what I felt had worked on certain estates and what had not worked. So, my answer to that would be, yes, we did spend time but what you must remember is that I only spent 15 months on the Committee.

Deputy R.G. Le Hérissier

It seems like a lifetime, eh?

Deputy R.C. Duhamel:

Can I come in with a new topic? The Application Panel has political members on it and indeed those political members are charged with judging or assessing the more difficult planning applications or those which fall outside of the officer's remit to take them under delegated powers. To what extent are politicians invited on to the Application Panel given training in order to carry out that political duty within the Panel framework? Is the training given, if any, sufficient for purpose and indeed how does the Application Panel overcome the inexperience of some political members who are perhaps brought into the Applications Panel with no experience of handling issues at all?

Deputy J.A. Hilton:

Well, looking back to 2003, obviously Deputy Dubras made a decision that he would have some new members and some more experienced members on the Planning Application Panel which makes absolute sense. The only way anybody learns is by experience so it does make sense to have people who do have planning experience, which some members did, and new members who did not.

Deputy R.C. Duhamel:

But in your view how long would it take, for example, a new member with no planning experience at all to build up sufficient experience so they could be considered to be competent in the assessment of

planning applications?

Deputy J.A. Hilton:

I think that depends on the amount of work that the person is prepared to put into it. For myself, personally and Deputy Taylor, we started off by visiting every site of a new application which people did not used to do but we did because we were aware that we were new members and we wanted to go and see for ourselves and build up some degree of knowledge.

Deputy R.C. Duhamel:

Would you be able to put a time on it? Would it be 6 months?

Deputy J.A. Hilton:

No, that is impossible because as you are no doubt aware yourself, some States Members work a lot harder than others. So it is difficult to say.

Deputy R.C. Duhamel:

But as a rule of thumb would it take a year to build up sufficient experience or 2 years, 3 years?

Deputy J.A. Hilton:

I cannot answer that question.

Deputy S. Power:

I think I could say that I am the newest member on this Panel and it has been a steep learning curve. If you were to ask me what my competence would be on design of homes in 3 or 4 months, it is impossible to say.

Deputy R.G. Le Hérissier:

One of the issues, Jacqui, that we have struggled with is planning decisions appear to be taken in isolation and we have seen the ad hoc growth of St. Clement, for example. Do you feel when you were in charge of the Panel would things have gone a lot better if you had area plans for the kind of areas you were looking at?

Deputy J.A. Hilton:

It is interesting that you raise that question because I was looking at the Island Plan last night, the built up area, and in the Island Plan it talks about St. Helier and St. Saviour and St. Clement, out east, as being part of the urban development. I know, Deputy Baudains, that you have always felt that St. Clement was not urban but I think if you go along the coastal plain that it is in fact just a continuation of St. Helier. So, on the one hand I do not think for St. Clement that there would have been any benefit in that because it was in the built up area anyway and certainly if you go out along the Coast Road, it is just

a continuation, to my mind, of the built up area. So I do not think so. The difficulty with St. Clement, and I certainly recognised it before I left the Committee, was the sheer amount of development going on there and it was a huge concern to me.

Deputy G.C.L. Baudains:

I think what Roy was really getting at was on a slightly smaller scale. Examples that we have often discussed on this Panel are Samares Lane and –

Deputy J.A. Hilton:

Le Hocq Lane.

Deputy G.C.L. Baudains:

- Le Hocq Lane, which I am familiar with, and each application is dealt with on its own merits regardless of the fact that if you approve this one you are going to set a precedent that allows the person next door to build, so you are not approving 3 or 4 houses, you are approving 23 houses. If that had come all together in one application it may well have been refused but it creeps up by stealth. What we were wondering and other people have raised is if one had an area plan for Le Hocq Lane or Samares Lane would there be better planning?

Deputy J.A. Hilton:

In hindsight, yes, I agree with you, especially with regard to Samares Lane, Le Hocq Lane, Jambart Lane. I see in the paper that applications have been submitted very recently, in Le Hocq Lane I believe, and again it is -

Deputy G.C.L. Baudains:

Demolish 3 cottages and build 8 houses.

Deputy J.A. Hilton:

I know the cottages because I went to visit them a couple of years ago after I came off the Committee. I went to look at the area and I talked to somebody in one of the cottages who had concerns about what was happening. I know when I left the site it took me several minutes to actually - because Le Hocq Lane is quite narrow and it is bendy - having to wait for all the traffic to come down. So I recognise exactly what you are saying and with hindsight if people had been aware when they agreed the Island Plan in 2002 of the impact on St. Clement then maybe it should have happened then. It should have been flagged up then.

Deputy G.C.L. Baudains:

In that particular case I think those cottages are what give the lane its character.

Deputy J.A. Hilton:

Absolutely. I agree with you.

Deputy G.C.L. Baudains:

But that is another issue. It has occurred previously on this Panel... there have been discussions about whether an area plan for either a lane or another block of houses would create better planning where the applications that come in within that envelope would be seen in conjunction with other potential ones as opposed to being seen each on its own merit?

Deputy J.A. Hilton:

I do not know how many sites there are left in Le Hocq Lane, Samares Lane or Jambart Lane that can be developed I should imagine.

Deputy G.C.L. Baudains:

Yes, but there are other areas across the Island. I only speak from experience.

Deputy J.A. Hilton:

Yes, I know, and that is why I welcome the fact that you are looking at it because it was of huge concern to me before I came off the Committee – the sheer amount - but it had been rezoned into the built up area and people had expectations, or landowners had expectations.

Deputy G.C.L. Baudains:

Trying to understand the comments made by Deputy Layzell and others at the time, it would appear that what has happened was not what they had in mind in the Island Plan. But we are due a review of the Island Plan so perhaps if there are problems they could be put right.

Deputy J.A. Hilton:

Certainly, when he came back to the House to reassure the House about the built up area and said to House there was not a presumption of over-development it won the day I presume. Interestingly, I note, that when the Island Plan went to the vote it was done on a standing vote, which strikes me as quite strange really.

Deputy G.C.L. Baudains:

As usual, most of the fire is spent on the amendment. In that case most of the fire had been spent on the reference back.

Deputy R.G. Le Hérissier:

Do you feel, Jacqui, that in light of that experience, and in the light obviously that some Members feel quite bad about what happened and realise that for some reason we did not play the role we should have

played, is there any way you think we could have restructured the whole approach to the Island Plan to have got communities like the kind that Deputy Power mentioned and to have got Members better involved in the process because we seem to have missed a trick somewhere?

Deputy J.A. Hilton:

I was not here in 2002 so I cannot speak for States Members but the question I have asked myself since is why did not enough States Members realise the full implications of the Island Plan? Why, why, why? I was told by the Planning Department that they consulted the Island Plan to death. They all went on the Island-wide road show. I do not know whether it was 2001 or 2002. There was a large amount of consultation with the public. Maybe States Members just did not do enough work at the time.

Deputy G.C.L. Baudains:

I would like to come in on that particular aspect. It is something I had just made a note of. In your view how can the process be improved the next time around because the consultation in 2001 on the Island Plan which you have just referred to I think really is what has left a bad taste in the public's mouth. Certainly, in all the parishes I can think of it was not a consultation, it was a presentation: "We would like to re-zone these fields as built up zones." In most parishes I am aware of the parishioners said: "No" and usually unanimously, but of course that would have meant there would be no re-zoning. So the process, surely, was flawed in that enough land was required to build, we were told, about 2,000 houses. It had to come from somewhere. If every consultation says: "No" you end up with nothing so the process does not work. When we come to the next one, how are we going to do it?

Deputy J.A. Hilton:

I do not think there is any easy answer to what you are saying there because generally speaking most people outside of the urban parishes will say: "No" to redevelopment and we are fully aware of that. Certainly, as far as Housing is concerned, we are pursuing a couple of sites at the moment that we need for social housing and I am fully aware that we are going to have to get the process right; the consultation is going to have to be right. We are all aware of what people think now whereas back in 2002 you were not. So I do not think any site is going to come forward now for re-zoning that is not going to be consulted to death as far as I can see.

Connétable K.A. Le Brun of St. Mary:

Just coming in on that because I was involved with the St. Mary and the pre-2002 plan which came beforehand and the idea then was that it was going to be within the individual parish development. It seemed to work very well initially because there were some sites within St. Mary and other places that were earmarked. On the 2002 Plan, there was consultation that came to the parishes but it was a question of a lot of the rural parishes like St. Mary and St. John and otherwise, there were very few sites that were earmarked for future development. So it did seem that the Island Plan at the time did not want to come into the rural parishes themselves. There were very few sites and I think a lot of it was

controlled, or even still is controlled, by the mains services. I feel it has been structured around a lot of the mains services rather than get the services out to the rural parishes. It is a question of: "Where are the mains services and who can cope?" Do you think that would have some bearing on the planning of the Island Plan itself?

Deputy J.A. Hilton:

I think it might have done but we come back to; do we increase densities in the built up area to preserve the green countryside or are we going to start developing in the countryside? My gut feeling is that people would prefer greater densities in the urban parishes and leave the country parishes alone. That is what I personally think and I think when we are looking at sites out of town obviously they are going to look at mains services. They are going to look at how well it is served by bus routes, drains; we know it is incredibly expensive to take mains sewerage out to country parishes. So that would have had some bearing on the sites that they were going to choose.

The Connétable of St. Mary:

Would you agree that the main reason the sites were chosen in the Island Plan was mainly willing sellers and secondly, as you have just described, services - bus routes, trains and that sort of thing, and not necessarily that the site was appropriate for development? I believe in some cases it was overloading existing infrastructure. Do you think a different criteria should be used for choosing sites?

Deputy J.A. Hilton:

Having not played a part in that process because I was not in the States at the time, I am not 100 per cent sure about the criteria they chose when they were trying to identify sites. All I know is that they spent a huge amount of time trying to identify sites and they identified the sites. And I agree with you. We raise concerns about those sites now. There are obviously concerns about Goose Green Marsh site. I read in the paper last night that Environmental Health should have made a comment on it and they did not, and maybe if they had maybe the outcome would have been different.

Deputy G.C.L. Baudains:

Well, was it W.S. Atkins who were the people involved in drawing that up? I know other people at the time suggested that perhaps an old idea should have been revisited, that of creating a new village somewhere in the Island and that the infrastructure would be provided commensurate for that development rather than a bolt-on development which would further overload existing infrastructure.

What are your views?

Deputy J.A. Hilton:

That might seem like a good idea but can you imagine going to somebody like the Connétable of St. Mary and saying: "Can you identify a site in your village, please, so we can build 500 houses?" How would the Constable of St. Mary feel about that?

The Connétable of St. Mary:

Before you actually mentioned that... it is inevitable the Island will grow. It is inevitable there is going to be more requirements. Pre-2002, when they looked at it, it was looked at increasing the village development around each of the villages. Now, I would not say that we would want 500 sites in St. Mary but it is always pointed out to the rural ones that they never want any houses or anything built. That is not true because if you do not have that you do not have regeneration. You have to have regeneration within the parishes to maintain the stability of the parish, to maintain the local pub and such like. The rural parishes I know do look. Trinity people I know have been wanting first-time buyer houses for a long time.

Deputy J.A. Hilton:

I know they have identified a site..

The Connétable of St. Mary:

So I can, within the rural parishes and St. Mary, identify sites. The thing we are being told, invariably, it is green sites: "You cannot, you cannot, you cannot." So, it is not that we do not want to. We have 2 restrictions: one is because it is a green zone and 2, it is because the mains services are not readily available.

Deputy J.A. Hilton:

I am really encouraged to hear you say that as Constable of St. Mary because I believe that probably the way forward for the next batch of re-zonings should be for the Planning Minister to come to the Comité des Connétables and ask each Constable individually to identify sites in their parish that can be used for a mixture of maybe first-time buyers, social rented and sheltered housing. So I am hugely encouraged that in fact you agree with that.

The Connétable of St. Mary:

I agree with that, certainly, because it is ongoing at the time. Coming back from the sites situation, and you mentioned about 500, that certainly would not be an option, I do not think, within the rural parishes but I do feel also that the sites that have been earmarked, the latest ones, are large sites which is because, I feel, the developers are running the Planning Committee rather than the Planning Committee running the developers. Therefore, they need larger sites to make more profit. I think this is the problem as well in the past, that the Planning Committee seems to be looking for large sites rather than more of the smaller ones within the rural parishes. Would you possibly agree with that?

Deputy J.A. Hilton:

All I would say is that the Planning Committee, probably in conjunction with the Housing Committee, identifies the need for new homes. My understanding that H2 sites that have been developed at the

present time, all the first-time buyer homes have been sold. I was up looking at Field 1218 only a couple of weeks ago and was told that those first-time buyer homes could have been sold 3 times over. Well, if they are sold, they are sold.

Deputy G.C.L. Baudains:

You will recall that not so long ago there were 2 developers advertising first-time buyer homes in the *Evening Post* for some time; they were having difficulty selling them.

Deputy J.A. Hilton:

All I know is that I have been told that all the homes have been sold.

Deputy G.C.L. Baudains:

That is only over the last couple of months.

Deputy J.A. Hilton:

The fact is that they have not finished the site and they have been sold. So there must be a demand there. The Planning Committee had to go out and re-zone land to provide homes for people who are in the Island.

Deputy G.C.L. Baudains:

The only point I was making there was that we had been told at the time that developers' order books were full and they could sell more when in actual fact, and I know in the case of Jambart, they had only sold half of them and were, frankly, struggling to sell the rest of them. They are now all sold but if you spoke to the developer and asked him whether he would be prepared to build another site of that size, I do not think he would because he would be concerned about selling them.

Deputy J.A. Hilton:

I believe that the way forward is for the Comite des Connétables to be more heavily involved in the process. At the end of the day if individual country parishes are in favour of development in their parishes, then you have somebody who is willing .

Deputy G.C.L. Baudains:

Well, that seems to me to take us back to an original question about how we might improve consultation with the public in future. It does seem to me what you are suggesting is that instead of the planning authority going out to the public and telling them which sites they have identified and can you say: "Yes or no", and of course the answer is always: "No", it is generated from the grass roots upwards, from the public.

Deputy J.A. Hilton:

I think that is the way forward. I think the way forward is through the Comite des Connétables and a group of people, for the Planning Minister to go to that group of people and ask them to identify sites within their own parishes and then in that way they are going to be fully engaged in the process right from step one. In that way, if the parish is involved in the process then I believe the public in that parish are going to be involved in the process.

Deputy G.C.L. Baudains:

There should be a degree of ownership and virtually no antagonism in that case.

Deputy J.A. Hilton:

I agree.

Deputy R.G Le Hérisssier:

In a sense there was a variation of that, Jacqui, with the villages as Ken mentioned, and of course there were sometimes allegations made that you had to be a son or daughter of a parish. Then there were all sorts of definitions used. Often, or sometimes it was the case, as you well know, that people felt excluded from that process. So I think you are quite right in the notion that you involve the local people to choose sites because they have a vested interest. Well, they do have a vested interest, but by having a vested interest they sometimes exclude other people who cannot, for example, provide evidence of roots. I remember one or 2 cases where that has occurred. Back to the Island Plan process. One of the things we have forgotten, and Gerard has mentioned the meetings, I do not know if you recall there was that good professor brought in and his job was to analyse... There was a formal parallel to the meetings and a formal written process set in train where people were invited to write in about all aspects of the plan. The whole idea was that he was meant to analyse all these submissions and from these submissions he was meant to say: "Well, in this direction the plan is not working" or, as I recall, he stated: "It is clear to me that St. Clement is over-developed." The feeling was that ultimately this was not fed into the process; it did not really change the policy.

Deputy J.A. Hilton:

I can remember that report being spoken about and I recall that I read sections of it. But, again, I think that was in 2001.

Deputy S. Power:

It is related to this area of consultation between the Planning Minister and the Constables and the parishes. One other advantage to this process may be that in a study we have done of planning processes, there is a huge variation in price between agricultural land and the price of land that has been re-zoned. For instance, in La Moye, agricultural land is virtually worthless but if it is re-zoned, 1.9 acres is worth £1.6 million. One of the advantages to my mind of the process you are now advocating which is whereby the Planning Minister working with the Housing Minister would go to the Constables in each

individual parish is that you could set a price before any re-zoning takes place. That could be a mechanism to take out these huge windfall profits that are happening where the owner of the land is making an enormous profit before the developer makes a profit. That is why our housing is so expensive for starter homes, starter families and social rented housing to the Housing Department. Would you think there is mileage in that also, that we should benchmark an agricultural site before the deal is done?

Deputy J.A. Hilton:

It is something that we in Housing are really concerned about, the price for social rented housing, and it is something that we are having active talks on with the Treasury at the moment on how we can possibly address that problem.

Deputy R.C. Duhamel:

Professor McAulsen, whose report stated that one of his major concerns was the sporadic development that had taken place across the Island, felt that insufficient emphasis had been placed on proper long-term planning and tying in any future development to the existing developments within the village structures that the Island has at present. Bearing in mind that the Planning Department have introduced planning gains into the process and we are now talking about speaking to Constables and all the interested parties to offer up particular pieces of land in exchange for development, do you not think that this is probably at the opposite end of good long-term planning and encouraging further sporadic developments to take place for whatever purposes?

Deputy J.A. Hilton:

I am just saying that it is an option. It strikes me that if the public feel disenfranchised from the process then we need to involve the parishes more in our process.

Deputy R.C. Duhamel:

Do you have an understanding of what the public would like from the planning process?

Deputy J.A. Hilton:

I think they would like to have a better understanding of what has been spoken about and what has been agreed.

Deputy R.C. Duhamel:

So it is communication rather than any long-term aspirations as to how developments should be developed?

Deputy J.A. Hilton:

No, I think every Islander has long-term aspirations for the Island. Anybody who lives here is going to

be concerned about development and the future implications of that development.

Deputy G.C.L. Baudains:

I have a few questions on this particular area. Firstly, on the question of planning and what officers do, do you believe that the Planning Department as a whole spends enough time on planning issues as opposed to determining applications and all the mundane work that goes with it? Are they looking at the big picture sufficiently?

Deputy J.A. Hilton:

I do not think I can really answer that question because I have not been involved in planning for almost 2 years. I really do not know what has changed under the ministerial government as compared to Committee, so I have absolutely no idea what is going on.

Deputy G.C.L. Baudains:

I just wondered if you could have given us a snap shot, but never mind. Planning gains, as mentioned by my Chairman, it seems to me that there are basically 2 categories of planning gains where a developer is required to provide infrastructure on the site that he is working on - drains, footpaths and that sort of thing - and another is profit, such as the Waterfront where one is hoping to siphon off profit almost as a tax to be applied elsewhere. I would like to know your views on this and whether you believe it might compromise planning policies and quality. For example, does it encourage developers to seek to maximise their profit in order to offset the costs and thereby undermine the planning process?

Deputy J.A. Hilton:

Yes I think I would agree with that. You only have to look at what is down at the Waterfront at the present time and ask yourself: "Where did it actually go wrong?" I think our Planning Minister has done the correct thing by employing the services of a high flying architectural practice to oversee what is done on the Waterfront and I think that will be of huge benefit. I believe that maybe WEB (Waterfront Enterprise Board) in the past has driven the process more so than Planning has.

Deputy G.C.L. Baudains:

So you might suggest that perhaps we should be more careful about loading an application with planning gains?

Deputy J.A. Hilton:

I just do not believe we should be compromising the planning process in any way at all. We must strive for good quality buildings and good design, which unfortunately we have not had to date.

Deputy S. Power:

Can I change the subject slightly? Getting back to your tenure on South Hill. I know it was only 15

months. It was called the Planning Sub-Committee, was it? Were there times when you felt that sufficient information or officer support was lacking in some of the decisions you had to make? Were there times when you felt... did you ever feel irritated or angry with some of the decisions you had to make?

Deputy J.A. Hilton:

Yes. It has come to light now – this development that I was told that you were going to be asking about - the development out at St. Clement? Lezardrieux?

Deputy G.C.L. Baudains:

Yes, we will come on to that in a moment.

Deputy J.A. Hilton:

I looked at the papers yesterday and I can remember another incident when we were - it was the approval committee because I remember ex-Senator Vibert was there - had been given information on an application by the officer. The officer failed to give us certain information and that came out. As the process continued that came out and I was particularly upset about that because the officer involved was the one who had been involved in Trinity and in fact I remember Senator Vibert got extremely angry. That is just another case of it can only be as good as the information that you are given at the time.

Deputy S. Power:

Can I just follow up on that? So you are saying that you became irritated, as did former Senator Vibert, because as the meeting evolved it was apparent that information should have been presented to you as a full Committee and was not presented to you as a full Committee, and the information only came out at that particular meeting you are referring to because you probed, or former Senator Vibert probed?

Deputy J.A. Hilton:

I cannot remember who probed but somebody did and then the information came out. It caused some concerns.

Deputy S. Power:

So, the information that was probed and pulled out was not available to you so the officer was unwilling to provide that information at the start?

Deputy J.A. Hilton:

I am not saying that the officer was unwilling to provide it but for some reason failed to provide it.

Deputy S. Power:

As the information unfolded you had a completely different perspective on that application?

Deputy J.A. Hilton:

Well, I know that certainly I had formed an opinion on the application but, interestingly, Senator Vibert had formed an opposite opinion to me. As the information unfolded he then changed his mind because he had not appreciated one aspect of the application that I had. He then became aware that something he should have been told he had not been told and that quite upset him.

Deputy S. Power:

As a result of that specific meeting that you are referring to, that full Planning Committee meeting, did you ever consider putting it in writing that you were unhappy with the process that happened, the process in which the officer brought information to the full Committee and was there ever any kind of review of how that situation occurred afterwards?

Deputy J.A. Hilton:

No, I think after Trinity, obviously questions had been raised about the amount of information that was given to members and so the Department would have been fully aware of what members thought. It came out in the meeting and members might have been muttering to themselves afterwards, but...

Deputy S. Power:

Finally, was that an isolated meeting or did that happen at more than one occasion?

Deputy J.A. Hilton:

The difficulty is that it is like coming back to this application here [refers to 'Lezardrieux', St. Clement]. Sometimes you do not find out until it goes up and then you think: "How on earth did that happen?"

Deputy S. Power:

When you say you do not find out until it is approved - until it is built?

Deputy J.A. Hilton:

Yes.

Deputy G.C.L. Baudains:

Now that we are on the Lezardrieux issue, this Panel has been looking at the paperwork and able to understand how things came to be as they are. It does seem that there may be perhaps parallels between the Trinity issue and Lezardrieux because it does occur to us that it may be that politicians perhaps were not given sufficient information by officers. Would you consider that to be the case or not?

Deputy J.A. Hilton:

Well, I mean –

Deputy G.C.L. Baudains:

For instance, can you recall whether officers made the Panel aware of the extra height and the covenants the building would have with that extra height? Were profiles erected and that sort of thing?

Deputy J.A. Hilton:

We are going back 3 years on this so it is very, very difficult for me to remember what was discussed at the meeting. When I looked at the papers yesterday and thought about the parallel between this application and Trinity, it struck me that both applications would have gone to the parishes. So, normally, on the Planning Committee you rely to a certain extent on the public drawing your attention to something that they are not happy about. If it is a contentious application there is normally a lot of correspondence so immediately it is flagged up and you are on red alert; you are mindful of all the information and everything else. Interestingly, with both of these applications they both went to the parishes as do all applications. I thought it is interesting because this application is in St. Clement and it would have gone to the parish and my understanding is that nobody made a comment on it. Profiles were put in place and were up months apparently. I asked ex-Deputy Taylor that question because he lives next door to it. I thought that I would ask him what he remembers about it and he said profiles were put up and put up for months; he talked to his neighbours and nobody said anything. From what they could see they were content. The parish made no comment and, interestingly, the same thing with Trinity. The plans went to Trinity. The Constables had no comment to make on it; the Roads Committee had not comment to make on it, so you ask yourself: “What went wrong here in the process?” Obviously it is a lack of information because people had been given the plans but there is not enough information there. I cannot talk for them. I am not them, but this is-

Deputy G.C.L. Baudains:

Of course one of the specific problems with Lezardrieux is that the plan changed at least twice. It was enlarged, I think, 39 per cent and then later on and the height was raised as well. I do not think people were aware of what was happening.

Deputy J.A. Hilton:

Certainly, ex-Deputy Taylor said profiles were put up and were up for several months. I read the officer Committee report. I read the report and there is nothing in that report – I read it yesterday - and the officer says in summary: “Because of the siting of the building and the positioning of the swimming pool and billiard room to the north of the building it is not considered that the increase in size will have any greater impact on the green zone than that already approved. The pitched roof will increase the height of the building but the shallow pitch will make this difficult to perceive from outside this site. Part of the roof will be flat which is not generally encouraged. However, because of the siting of the property this will not be visible from anywhere.” And I read that and I think...

Deputy G.C.L. Baudains:

Well when you look at the photograph, I mean it is unreal.

Deputy J.A. Hilton:

I know, but for a Planning Panel it is extremely difficult when somebody comes back with a revision, a senior Planning Officer, and you are given a report, no comment from the Parish, nobody seems to have any concerns, it is marked for approval and a senior Planning Officer has put that in a summary which I think probably would have been signed off, I think probably it would have been signed off by the Assistant Director or the Director of Planning. What is a Panel supposed to do? If we cannot trust the information that is being given to us either in a written or spoken form then we're in a very difficult-

Deputy G.C.L. Baudains:

On that particular site there are 2 issues which we have looked at and had difficulty understanding. Firstly, the original building was only just fractionally above the surrounding greenery so it was fairly unobtrusive and obviously to raise a building even a foot higher than that would start to make it quite noticeable. The plans talk about it being just over 2 metres or about 7 feet higher, when in actual fact if you compare the photographs, we believe it is probably twice as high as that. Now, if you drive along the St. Clement Coast Road it is now quite outstanding. What this Panel has been trying to do is to understand how this came about, not to chastise anybody - it is too late, we cannot pull the building down because apparently it complies with the plans - but to understand how this came to be so that we do not have another problem like this. As I say, I have been slightly concerned about a similar raising of a building just not far away from there, in Verte Rue.

Deputy J.A. Hilton:

Whilst ever you have officers submitting reports along those lines, then mistakes will happen.

Deputy G.C.L. Baudains:

So it is down to the quality of information that the decision-makers receive?

Deputy J.A. Hilton:

Absolutely. It has to be, yes. They are professional planners so obviously we are going to rely on them. But that is not the only - you said, according to the plans, that you believe they have built it 7 feet higher than the plans. If that is the case then surely there is enough evidence there for an action to be taken against them, if it does not comply with the plans.

Deputy G.C.L. Baudains:

Well, no, it complies with the plans but it appears to be... The difficulty of course is that the plans relate to the previous building which has now been demolished so you have no evidence to relate it to.

Deputy J.A. Hilton:

I see. I would have thought Planning would have some record.

Deputy G.C.L. Baudains:

I think you have on your desk the before and after photographs. It is probably in the last pages of the paperwork you have and I think visually, or if one takes the time to measure it, it is more. You have the photograph of the original building and the photograph of the new building and there is more than 7 feet difference. One cannot understand how this came about.

Deputy J.A. Hilton:

There was another development that I was involved in, at First Tower, that came out much higher than it did on the plans and I brought that to the attention of the Committee and Deputy Dorey. I made representations on behalf of the residents who lived near there. Having been involved in the application myself and being very aware of the concerns of the neighbours, we spent a lot of time over the application and listened to their concerns. Of course, when the building was finished I was not best pleased to see that it was a great deal higher than what was agreed on the plans. It was decided that it did not have that much of adverse affect on the neighbours so they would allow it to stay.

The Connétable of St. Mary:

In coming back to the planning process itself because you mentioned the parish and you were waiting for comment, I know there are 2 aspects because the parish always receives all the applications within their parishes. There are times specifically when the Connétable gets asked for his comments by the Roads Committee. So would you say this time it was a specific demand that they get the views of the parish because otherwise all the plans do come but it is only on specifics that get asked for the parish applications or the parishes-

Deputy J.A. Hilton:

Only on certain applications you are asked for a comment, do you mean?

The Connétable of St. Mary:

Yes.

Deputy J.A. Hilton:

I suppose if I was the Constable of the parish I would peruse every plan that came into the parish regardless of whether they are asking for comment or not anyway. I look at the application list when it comes in. I go through each one and if there is one that is in my district that I think might have an affect on people I represent then I get involved with it.

The Connétable of St. Mary:

I as Connétable do view all those that come to St. Mary but the point I am making is that I get asked specifically if they feel there is a comment required from the Parish which primarily means to say whether it is for road opening, road widening or something that has specific effect, whereas generally with the planning, design or the building they do not ask for specific comments from ourselves.

Deputy J.A. Hilton:

I suppose, as in the case of this one, it went to St. Clements. Presumably the Constable would have looked at this application and because he maybe was not made aware or certain aspects of it were not flagged up to the Constable, maybe that was why no particular comment had been made on it. That is where the system is failing.

Deputy G.C.L. Baudains:

I think this is the case because, I mean --

The Connétable of St. Mary:

This is just what I was just going to say, you know, on that system. I think this is possibly where it is because we did get specifics but it is primarily for, I think, other than planning because, as is the case invariably, you have the Planning Officers which are supposed to be the experts, then second in line is the Planning Committee themselves. So, you know, we feel that when our thoughts are asked on a project, we feel it is basically from the process point of view rather than Planning because we leave that to the experts and this is what I am saying. We should not have an area -- you would not feel that it should be a comment passed every time by the Connétables, only on specifics?

Deputy G.C.L. Baudains:

I only wonder on this because it was an initial plan which was then a revised plan which was then an altered revised plan whether something went missing in the middle there because certainly nothing alerted me to -- normally if there is any building in St. Clements I keep an eye on it. Nothing alerted me to the fact that this would be controversial at the time.

Deputy J.A. Hilton:

I cannot recall what the process was 3 years ago but certainly the application would have been advertised in the paper, would it not? But 3 years ago did they advertise revisions to plans? I am not sure that they did.

Deputy G.C.L. Baudains:

I do not know.

Deputy J.A. Hilton:

I mean, maybe you would like to look into it because I am not sure. Obviously all revisions should be advertised in the paper. People should be made aware and, you know, sometimes when we have contentious applications, as in Field 621 for instance, that has been ongoing such a long time that if you are not made aware by the Officers that the application is going to be considered, it could be considered and you would not be aware that it is being considered because 6 months has elapsed or 9 months has elapsed.

Deputy R.G. Le Hérisier:

Well, you are going to the issue now, Jacqui, it is this whole issue of retrospective or revision and there are a lot of complaints from the public and, of course, there is a cynical view that you put in a fairly gentle application and then as it proceeds you have a home what you really want which of course is the allegation in the case we have just discussed. So, from looking at the process as a whole, Jacqui, I mean you have already mentioned the possibility of not advertising properly, do you feel we handle retroactive/revision applications well and, if not, how would you improve it?

Deputy J.A. Hilton:

I am not sure what revisions are advertised at the present time. I have seen them going in because I have seen of the loft conversions going in on the estate up at Field 1218 but I think all revisions should be advertised. I think there have been instances in the past when possibly the Planning Sub-Panel has considered an application and maybe revisions have come back in but they have been dealt with at officer level. I am not sure what happens now. Maybe it would still be referred back to the Panel. I am not sure about that.

Deputy R.G. Le Hérisier:

For example, I mean, a classic one and it is one that was discussed yesterday, Jacqui, is dormer windows because clearly that increases the number of bedrooms, increases the number of people on the estate and it could change the whole nature of the estate by the backdoor, so to speak.

Deputy J.A. Hilton:

But extra rooms can only be introduced into a dwelling if it is matched by car parking spaces because my understanding is you have a certain amount of car parking spaces relative to the number of bedrooms that you have. So, in theory, if you cannot satisfy the parking provisions, then you would not get the permission. But I am not sure how tightly they apply that parking policy because there is a feeling in South Hill to encourage people out of their cars. So, if you restrict the amount of space available for parking you will force people into walking, cycling or on to public transport. Whereas the reality is that we all know that that just does not happen. You just open a whole bag of worms for yourself later on.

Deputy G.C.L. Baudains:

Can I follow that theme because it is revisions to plans which come back to the Planning Panel but there

are also changes sometimes made by Building Control which Planning Panel know nothing about and this has caused friction in some cases where members of the public have seen -- they know what is supposed to be built next door. They have seen the plans. What they see being built is not what is on the plans and their attitude then is, well, the developers can do what they like. Do you think that these Building Control changes should then go back to planning? Should there be a better process so that people are aware because I am aware of situations where the Planning Officers and Panel simply were not aware of the changes that had been required by Building Control. There is a disconnect with them that –

Deputy J.A. Hilton:

If they are significant changes and they have an adverse effect on neighbours, which they should not but if they do, obviously, yes, it should go back. I think the Planning Panel should be aware but you do not want to get bogged in too much detail and sometimes what one person might consider reasonable, somebody else will not consider reasonable. It is very subjective.

Deputy G.C.L. Baudains:

Well, I mean, one example that occurs to me is a neighbour complained that a window that was going into a new property which would be overlooking him, which was not on the plan, phoned up planning and said: “There is a window appearing in this elevation,” and the Planning Officer said: “You are mistaken. It is not possible.” He said: “Well, come and see it. It is actually there.” The Planning Officer was quite shaken when he saw it.

Deputy J.A. Hilton:

Were they asked to remove it?

Deputy G.C.L. Baudains:

No. Well, Building Control had required it.

Deputy J.A. Hilton:

Had required it? So, under the law, it was required?

Deputy G.C.L. Baudains:

But what I am saying is the Planning Officers on the case knew nothing about it.

Deputy J.A. Hilton:

Okay well it just seems strange to me.

Deputy S. Power:

Can I ask a supplementary on loft conversions? You have mentioned Field 1218. Why do you think

there is a 2-stage process? Why do you think that a submission goes in for 2 floors of residential development and then two-thirds of the way or halfway through the project they apply to convert the half floor to residential accommodation? Why has it to be a 2-stage process?

Deputy J.A. Hilton:

From reading the Island Plan again and remembering what has been said before, my understanding is that new homes... it is not a cast iron requirement but there should be the ability for new homes to be built with the loft space to be converted in some dwellings, if the builder chooses to do it. But I think there is a long term environmental thing about being life... it is not a lifetime home standard but to enable people to use the space, that if a loft is built a certain way then they can convert later on. When I spoke to the builder at Field 128 about the amount of loft conversions coming in, because I noticed them in the paper, because they certainly were no on the original plans and I was curious about that, the actual builders at Field 1218 are not involved in the loft conversions. The person who buys the plot, buys the house, has to do it all themselves but they were just charged with building the house as it was, not to deal with the loft conversions. So, he told me that, you know, the individuals who are buying the homes were submitting their own plans to convert because, obviously, they want to use the space. On those particular houses the house has been built so the loft space could be utilised. So, the homeowner are taking advantage of that fact.

Deputy G.C.L. Baudains:

Yes, but is it not the case that generally loft conversion can only be done to older properties because most of the new properties being built have trussed roofs which you cannot convert to?

Deputy J.A. Hilton:

No. No, apparently on Field 1218 the roof space has been built in such a way that they could convert but they are not all built like that because they are not built like that on another estate I visited a couple of weeks ago.

Deputy G.C.L. Baudains:

That is right. There are not many people building a cut roof these days because it costs more money than a trussed roof and a trussed roof cannot be converted to habitable accommodation because obviously you have all the woodwork in the way.

Deputy J.A. Hilton:

But on Field 1218, they have built them in such a way that people can use the available space and it makes good sense environmentally and that is the whole principle of it.

Deputy S. Power:

My question then is slightly different because you were saying in Field 1218 the actual end owner, the

end user, they are making individual loft conversion applications, whereas it became clear yesterday out at what is now called the Leonard's Garage site at La Moye, the developer is applying for loft conversions for all of the units that are 50 per cent complete at the moment, retrospectively, because the actual kit is already in the roof space. It is very clear to see from the road that he has already fitted the apertures for the windows and is retrospectively applying for loft conversions and I was wondering, given that clarification, would you be able to give us any idea as to why the developers are doing it in 2 stages?

Deputy J.A. Hilton:

No, I think it is rather unfair to the people who live in the area that, you know, they have been consulted on a particular design of a house and then, before their very eyes, they see something completely different going up. Regardless of whether it is retrospective application, it is wrong and that is why people get angry.

Deputy G.C.L. Baudains:

Could I change the subject slightly, Chairman? In fact a subject which my Chairman raised a few moments ago, given that the applications coming before Panel are, by nature, controversial because otherwise they would have been dealt with out of delegated powers, do you believe, from your firsthand knowledge, do you believe sufficient time is given to understanding each particular application. I mean, how long, on average, would an application receive?

Deputy J.A. Hilton:

I can only go from my experience and I know that our meetings used to go on for as long as it would take and if they lasted 8 hours, they lasted 8 hours, and I certainly was not one to rush through an application. I cannot answer for what has happened since. I can only answer for what I know.

Deputy G.C.L. Baudains:

Obviously I am only looking for a ballpark figure, what percentage would have been site visited during your time? Do you believe that was pitched about right or should it have been more or less? The reason I ask is because a previous vice president of IDC (Island Development Committee) who had been on there for a number of years believed that the system that was working during his tenure of office was possibly better than other Committees that followed, or indeed previously, because they did extensive site visits and that gave them the opportunity to compare one site with another and generally be more au fait with what they were doing. Do you hold the same view or not?

Deputy J.A. Hilton:

Well, they operated slightly differently in those days, I think. I think they used to probably make a day of it and possibly have lunch somewhere, which we never did - [laughter] - because things were operated a little bit differently. I can only say what it was like on our Committee, our Sub-Committee

and the full Panel but generally on the Sub-Committee, any Member could raise any concern they had about an application and if we had any doubt at all about any site then we would leave it until... we would adjourn until we could visit the site. We used to spend... we would start work at either 8 a.m. or 8.30 a.m. and quite often not get back until 12 Noon because we would spend the whole morning looking at the sites that we had chosen to look at. I think the system worked very well but then we, as a Panel, were more than prepared to work all day, sometimes 6 p.m. in the evening, to finish what we had to do and allow the time to do that.

Deputy G.C.L. Baudains:

Now, the reason I ask is because to some people that suggests that, perhaps with the workload, maybe the applications were not receiving the due deliberation that they required.

Deputy J.A. Hilton:

Certainly not on our Sub-Committee.

Deputy S. Power:

Can I ask a supplementary on that? You have explained how you have processed the agendas and how you went out on site visits. Do you think, with the benefit of hindsight, that modelling would have been useful to you, you know, to see a model of a development or profiling, profiling on the site? Do you think -- as Deputy Baudains has made reference at the earlier part of the meeting, that it is quite a skill, it is an acquired skill, to read a set of detailed drawings or to read an elevational plan or something, but do you think with the benefit of hindsight that you would have benefited from modelling being brought into your Planning Sub-Committee or that you would see a full profile in a field or on a development?

Deputy J.A. Hilton:

I think any aids like that which make it easier for lay people to understand applications has got to be a good thing. We did have models on certain developments but they tended to be on larger developments. So, yes, of course it would be helpful.

Deputy G.C.L. Baudains:

On a completely different subject, the 45/55 split policy, do you believe it works or does it simply create more difficulties?

Deputy J.A. Hilton:

I do not think -- we do not have any sites up and running at the moment. Do you mean do they work as far as the people who live on the sites go?

Deputy G.C.L. Baudains:

No, as far the planning process is concerned because I know there were some difficulties with a field in

St. Ouen's, Field 40 and there seemed to be a lot of horse trading and things like that going on which delayed some of the H2 sites in our view.

Deputy J.A. Hilton:

I am not too sure what you are referring to.

Deputy G.C.L. Baudains:

Well, the fact that the 45/55 split is a legal requirement, it can be done on the one site or you can trade off with another site –

Deputy J.A. Hilton:

Oh yes. I understand. You mean like Jambart Lane and -

Deputy G.C.L. Baudains:

- and that trading, unless it is a legally binding document, Planning Officers were not inclined to allow it to proceed. I know that has held up some sites. There may be other difficulties we are not aware of.

Deputy J.A. Hilton:

The only site I am aware of that happening on was Jambart Lane and La Benefice, where -

Deputy G.C.L. Baudains:

That worked all right.

Deputy J.A. Hilton:

It appears to have worked. It think the whole concept of the 45/55 split is a good one and the correct one to achieve social housing.

Deputy R.G. Le Hérissier:

Sorry, the what, Jacqui?

Deputy J.A. Hilton:

The whole idea of 45/55 split is a good one, to achieve social rented housing at no cost to the taxpayer.

Deputy G.C.L. Baudains:

Do you think it may need modification because we have learned that the sites that you mentioned have... the idea of the process is obviously, on the one hand, to provide affordable first-time buyer housing but, in actual fact, this split has ended up loading the costs of the first-time buyer houses by a considerable amount.

Deputy J.A. Hilton:

I think there are real concerns about that and that is something that the Planning Minister and the Housing Minister are addressing at this current time which, as you read, they are looking at the model again, at this time, and so there is ongoing work.

Deputy G.C.L. Baudains:

Yes, because there obviously is only so much money in a particular development and the more you lower one, the more the other one has to be raised.

Deputy J.A. Hilton:

Yes. I mean, we all have concerns about sites being paid for sites..., the amount of money being paid for sites and the cost of first-time buyer. There are issues there that need to be looked at and hopefully resolved and they are involved in that piece of work at the present time.

The Connétable of St. Mary:

When you mentioned social housing, what I did not realize, and I think a lot of people do not realize either, the idea of the 45/55 is very good in that respect. But then the social housing is regarded as rental housing, is it not? On that basis, there are for and against because knowing that some of the sites that are most probably being earmarked in that respect, on one hand it seems that is not good to have the first-time buyer housing and then, on the other hand, social renting housing is also classed for the old age, all the elderly as well. That comes as social. So, would you feel that would be a good mix, to have first-time buyer houses mixed 55/45 with the social rented elderly housing?

Deputy J.A. Hilton:

I am a little bit cautious in answering that because I know of some of the difficulties that we have at housing where you have a mix of children and the elderly and I think, ideally, probably, it would be better to keep the 2 separated. Ideally.

The Connétable of St. Mary:

Because, as I say, a lot of you are not aware that when they say social housing it means rental housing and not the buying of the properties and this is the problem that is arising. It is not just social housing for the young ones. It is for the elderly as well.

Deputy J.A. Hilton:

No. I mean, obviously, as far as the Housing Department is concerned, our greatest need at the moment is provision for the elderly in the future and --

Connétable K.A. Le Brun:

But you feel that therefore on that that they should be separated from the first-time buyer homes because

that is the other force that has come in within that region, is that, as just was mentioned previously, that the first-time buyer houses would be loaded to pay for the elderly social housing.

Deputy J.A. Hilton:

It is difficult.

The Connétable of St. Mary:

Because of the fact that, you know, to do the requirements for the elderly, it is needed that, you know, there is very affordable land to be available but obviously the developers want to make their profits and this is the problem that is arising, is where Housing are wanting to forge ahead with social elderly housing, it is being found very, very difficult because of costs.

Deputy J.A. Hilton:

Yes, maybe that is why I believe that we need to get the parishes involved in this because, for instance, if you had a parishioner who was willing to donate land to sheltered housing, you might find that the parish was able to develop that piece of land themselves and for the rentals to cover the capital cost of that.

The Connétable of St. Mary:

I agree with you totally with that but we do come back to what we said previously, that you have that distinct difference between the urban and the rural and, if you are getting out into the rural parishes, the cost of land, as said previously, is pretty astronomical. Therefore, it is starting to be restrictive.

Deputy J.A. Hilton:

But it should not be. Agricultural land is worth peanuts now, so that really should not come into it. If you identified a piece of land at St. Mary's, currently agricultural land, that could be built on, there is no reason why you should not be able to develop that piece of land for sheltered housing.

The Connétable of St. Mary:

It would be lovely to think that in its entirety but you can rest assured that the people who own that particular land are in cohorts with developers and the developers are the ones that do dictate.

Deputy J.A. Hilton:

But they are not going to dictate in the future because, as I said before, we are looking at this at the moment and it has to stop because people are paying too much and it has to stop. But my comment to you was if you, in St. Mary's for instance, could identify a piece of land and you had a parishioner who was prepared to donate that redundant agricultural land for housing, there is absolutely no reason why St. Mary's could not build.

The Connétable of St. Mary:

I agree with you totally but if only I and all the other people within the other rural parishes could find somebody who would be willing to donate, I think they would be given the MBEs (Member of the British Empire) if it comes to that. It is easier to say than to achieve and this is why, as well as I am from St. Mary, I am talking about other parishes as well and the problems that they have. Therefore, I think, it is leading them to that but it was interesting to hear that you feel that should not be first-time buyer housing next to the social or public housing.

Deputy J.A. Hilton:

No, I am not saying it should not be. All I am saying is, I am just talking from how it works, mixing the elderly with young children in the same close environment. That is the only comment I am making now, that I am raising the flag about.

Deputy G.C.L. Baudains:

Could I press you on a point which was raised during that interchange? If in fact a parishioner were to donate some land for the parish to build sheltered housing, for example, and obviously the parish would welcome that and the parishioners were all in favour of it, it would still depend on the Minister bringing that to the States for rezoning of the land. Now, if the Minister chose not to, the parishioners could not get what they wanted. Do you believe that any rezoning should continue to go through the Minister?

Deputy J.A. Hilton:

I think it must but I would like to think that, in the spirit of cooperation, if that piece of land was appropriate for development then I cannot see any reason why it should not be successful as far as a rezoning goes.

Deputy G.C.L. Baudains:

I am not suggesting it would not be and I am not suggesting that the Minister would be difficult.

Deputy J.A. Hilton:

All rezonings have to come through the Planning Minister though.

Deputy G.C.L. Baudains:

The public are unable to understand why only one person can bring zoning proposals to the States.

Deputy J.A. Hilton:

Because that is the law, I understand.

Deputy G.C.L. Baudains:

Well, yes, but laws can be changed. We are legislators.

Deputy J.A. Hilton:

Yes, laws can be changed but it makes sense that rezonings come through the Planning Minister.

Deputy R.G. Le Hérissier:

Sorry, Jacqui, it is not really one of these wrap up ones but on this matter of the relationship between officers and developers, and we talked about that in relation to the development brief, in your time at Planning, were you ever worried that the relationship might have been seen as too cosy or did you feel that it was important that officers should, at an early stage, sit down with developers and start discussing, you know, the nature of a project and so forth? If they did, and if you accepted that that should happen, what sort of code should apply to that in order that we, the States, do not get compromised by that process?

Deputy J.A. Hilton:

It is very, very difficult. As far as your question about officers and developers, I have no reason to believe that the relationship that the officers that I was involved with closely, that their relationships with developers were anything but absolutely professional. That is all I can say about that. What was your other question?

Deputy R.G. Le Hérissier:

If there is going to be that relationship, what sort of conditions should dominate so that we are not told, as we often have been during this inquiry, look, we got compromised, sort of hints were given to developers or ...

Deputy J.A. Hilton:

What, the developers are saying that?

Deputy R.G. Le Hérissier:

No, some witnesses have inferred that.

Deputy G.C.L. Baudains:

If I could try to clarify, we have heard on various occasions that a Panel has had to determine an application in a certain way against its wishes because various things have gone before. In other words, as Roy was hinting at, a developer may have been given an indication that 10 houses might be appropriate on the site so then the panel is obliged to give at least 10.

Deputy J.A. Hilton:

I see what you are getting at.

Deputy G.C.L. Baudains:

Because it is a question of commitments and ...

Deputy J.A. Hilton:

Yes. But my understanding was that any information -- because when letters are sent out from the department to developers, if my memory serves me correct, there is always in the final paragraph it will say that the Planning Department does not bind itself, or the officer's comments does not bind itself, as far as any decision made by the Committee.

Deputy R.G. Le Hérissier:

When you on, you could either get a situation where, allegedly, an officer got too close to a developer or, ultimately, where a developer said: "Look, I'm really not getting a fair crack of the whip in this relationship. You know, I feel for some reason a bias set in at an early stage." Did you ever come across those cases?

Deputy J.A. Hilton:

No.

Deputy R.G. Le Hérissier:

Where people said could you pull the officer off because things have got too cosy?

Deputy J.A. Hilton:

Absolutely not, no.

Deputy R.G. Le Hérissier:

Or, alternately, where a developer said, look, I am not getting a fair crack of the whip?

Deputy J.A. Hilton:

Not that I can recall. I mean, they would have legal avenues of complaint or appeal if they felt that they were not being treated fairly. So, no, not that I recall.

Deputy R.C. Duhamel:

Well, unfortunately we have come to the end of our allotted time. So, perhaps if you would like to make any final closing comments and I will wish you well on your way.

Deputy J.A. Hilton:

No, not really. All I would say is to go back to the first comment I made that an application is only going to be as good as the information and advice given by the officer. If that is failing, in any way, shape or form, I am afraid it is going to have an effect.

Deputy R.C. Duhamel:

In that case, on behalf of the Scrutiny Panel, I would like to thank you for your comments and a transcript of the proceedings will be made available to you.

Deputy J.A. Hilton:

Okay. Thank you.