

STATES OF JERSEY

r

ENVIRONMENT COMMITTEE: ESTABLISHMENT

Lodged au Greffe on 25th January 2005
by Deputy G.C.L. Baudains of St. Clement

STATES GREFFE

PROPOSITION

THE STATES are asked to decide whether they are of opinion –

- (a) to agree that a new Committee of the States, to be known as the 'Environment Committee', should be established as soon as practicable to assume the functions currently undertaken by the Environment and Public Services Committee in relation to planning and environmental matters;
- (b) to agree that, from the date of establishment of the new Committee, and the associated transfer of functions, the present Environment and Public Services Committee should be renamed the 'Public Services Committee';
- (c) to charge –
 - (i) the Policy and Resources Committee to bring forward for approval the necessary Transfer of Functions Act; and
 - (ii) the Privileges and Procedures Committee to bring forward for approval the necessary amendments to the Standing Orders of the States;

to give effect to the proposal.

DEPUTY G.C.L. BAUDAINS OF ST. CLEMENT

REPORT

As a result of P.70/2002 (debated 24th July 2002), the States amalgamated the previous Planning and Public Services committees in order to facilitate exchanges of responsibilities. It was made clear that the merger was merely transitional in order to identify and separate out the functions of the 2 departments in a different form before becoming 2 distinct departments again.

It is clear that the duties of the Planning section require careful attention to detail and study of paperwork. Likewise, the Public Services part has wide-ranging responsibilities and currently has an enormous amount of work to do. On top of that, the Committee is involved in restructuring as per P.70/2002, although, nearly 3 years later, one presumes the bulk of that work has been completed.

The present Committee is reduced to 6 and the President himself admits having a conflict of interest whenever applications concerning agricultural land arise. This, and sharing his time with the vice-presidency of the Finance and Economics Committee, adds up to a short-handed Committee without the time to adequately address the important issues coming before it.

Despite this, the current President has stated that he has no intention of splitting the Environment and Public Services Committee back into two. Insisting the Committee retains all its current responsibilities without dividing back into separate units has clearly been a major mistake, because the Committee obviously doesn't have sufficient time to allocate to its tasks to ensure they are done properly.

The consequence is that many States members are diverted from other tasks in order to monitor what the Environment and Public Services Committee are doing. That is unacceptable and cannot be conducive to good government.

The Environment, or Planning, aspect

The President is on record as saying, on 2nd March last year – “under my presidency planners would have to work hard to earn planning consent”. That has not been borne out in practice. This Committee ignores substantial public opinion and developers must hardly be able to believe their luck.

The many policies contained in the new Island Plan, designed to ensure what is built is of quality and environmentally ‘sustainable’, are apparently ignored in order to accommodate developers.

At the recent Committee meeting to consider the Mont Orgueil application, where States members and members of the public were invited but not allowed to speak, the President admitted he had not studied the papers. The decision rested largely on the interpretation given by the Department's officer with responsibility for the long-term development of the castle. Serious questions have since been raised about the advice the Committee received.

The Committee boasts of its achievement in seeking benefits from developers, but in reality little occurs. When the Priory Inn was redeveloped into houses the opportunity to improve the inadequate pavement opposite by ceding 2 feet or so of land was not taken by the Committee– it was apparently unaware of the problem.

The previous Committee made the supplying of a pedestrian footpath serving the new Jambart estate a condition of the permit. This was trumpeted by the present Committee, only for it to capitulate a couple of weeks ago and replace this requirement with alterations to Rue de Jambart, about which there has been no consultation with the parish whatsoever.

The number of outrageous decisions successive planning committees have made in St. Clement is appalling.

Some members will recall the ‘Secret Sites’ raised by myself and fellow Deputy Harry Baudains during the Island Plan debate. This was a serious matter and the subsequent Reference Back on the Plan appeared to have wide support. Overnight and early morning negotiations concluded with the withdrawal of the proposition on the back of a speech by the Vice-President, Deputy Layzell, where he intimated these sites were unlikely to be developed

because of all the new hoops developers had to jump through as a result of the new Policies in the Plan.

So what has happened? The Committee has just passed an application for one of the 'Secret Sites' – despite substantial opposition from residents and the parish. There are 2 more similar ones currently before the Committee for determination.

Despite the infrastructure problems of St. Clement being widely known and even the consultant for the Island Plan recognising the parish has had more than enough development, scores of new houses by private developers are being allowed, on top of the already massive rezoning for category A houses in the Island Plan for the parish.

The way St. Clement is treated in planning matters can only be described as impudent.

The redevelopment of Le Squez, Le Marais Low-Rise, Hodge 2, Jambart and all the 'windfall' (private) sites will raise St. Clement's population by about 1,000. And still permits are granted for 10 houses here, 12 there, and so on.

Clearly the only way of stopping further unacceptable development is to replace the planning part of this Committee with a team under less pressure and consequently more able to take all issues into account before arriving at a decision.

The Public Services function of the Committee

Public Services was created following the merger of the Sewerage Board with Public Works, and many believe the result was too much for one Committee to handle properly. It now includes Planning as well. Clearly, if the Committee was divested of its planning responsibilities, it would have more time to properly carry out its Public Services duties, which are manifold.

The Scrutiny Panel discovered during its Waste Review that the work it was expecting to review had not in fact been done and so is having to do primary research itself. This means the Committee has much work yet to do on waste management alone.

When pedestrian improvements were proposed for dangerous areas of main road in St. Clement, Public Services vigorously opposed them, making much of the proposed new footpath for the Jambart estate (which the developer has now successfully avoided having to supply). Warnings about infrastructure overload and traffic issues are ignored and parishioners' pleas and parish representations are disregarded.

In St. Helier, constant meddling with traffic flows and narrowing roads is an infuriation to everyone except apparently a few pressure groups. Unresolved taxi and other issues in Broad Street does not deter the Committee from pressing ahead with a scheme that will make it more difficult for people, especially the elderly and infirm, to get in and out of town.

Surely these problems are only exacerbated by an overburdened Committee.

Conclusion

Whilst I've focussed mainly on St. Clement issues, I'm advised by fellow members that similar planning problems occur across the Island.

Scrutiny has enabled an insight into the processes leading to decision-making and has found serious flaws in the decision-making process of this Committee. Examples are the way successive committees were misled over water resources and the present Committee's determination to debate a replacement for the Bellozanne incinerator before it has hardly begun to investigate the alternatives.

It is clear that there's so much work to be done that significant mistakes are likely to be made until such time as the workload is shared.

Some members may think that with only 9 months before elections, we shouldn't bother and should let the Committee continue as it is for now. We can't afford to. Bad planning decisions cannot be undone without very expensive compensation to developers.

The wrong decision about Bellozanne could tie us into a £100 million incinerator that's out of date and needing replacement in 5 years (the current plant was obsolete halfway through its life and technology is accelerating rapidly in this field). The Bellozanne covenant is still unresolved.

There's no reason why a new planning committee cannot be formed quickly; there are sufficient members of ability and energy to achieve this. Likewise, the fact that a separate Chief Officer of Planning no longer exists should not be a problem. There is a very capable Director of Planning who already fulfils a similar role and it wouldn't be the only Department without a Chief Officer.

The responsibilities that need to be transferred to the new committee will, as the proposition asks, need to be brought forward in a Transfer of Functions Act. I'm advised that this work is already underway and due for completion before Easter. There should therefore be no need for delay and, as the present Committee has to be split at ministerial government anyway, splitting it now will have some significant advantages –

- (i) there will be less disruption when ministries are formed, as the Department will already be up and running;
- (ii) planning decisions can only improve (and therefore public confidence in the planning process as well) as dedicated people with more time to apply to the job make planning decisions;
- (iii) the present Committee will have more time to dedicate to the many issues facing Public Services;
- (iv) the parish Deputies and others who presently spend a significant proportion of their time addressing planning issues that affect their parishioners will be able to put their time to more productive use.

I believe there are no material financial or manpower implications to this proposition.