

3. Questions to Ministers Without Notice - The Minister for Planning and Environment

3.1 Deputy R.G. Le Hérissier:

I wonder if the Minister could outline the legislative basis upon which he is running the system of enabling development where, for example, people like farmers are able to build buildings in order to cross-subsidise their other operations. So, first, Sir, what is the legislative basis of his actions here and secondly will it lead to a proliferation of mini estates throughout the country?

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

The enabling development was set out before I was appointed as Minister or indeed before I became a Member of the States. It was set out in the Rural Economy Strategy in 2005. It is a policy that we need to be extremely cautious about. It is, in principle, designed to enable farmers to improve their farms through allowing development that otherwise would not be permitted. In other words, that is in normal circumstances contrary to policy. In administering this, we have to be absolutely certain that the amount of value being generated is the minimum needed, and the impact upon the countryside is the minimum we can possibly deliver. In order to do this I am setting out a number of key principles. The first is that the figures presented by the Environment Department and Economic Development ...

The Deputy Bailiff:

Minister, I am sorry. How long is this answer going to be because ...

Senator F.E. Cohen:

Very well. I will finish quickly, Sir. The main principle is that all the figures will be audited. I will sign off the policies myself and I will make sure that all development is at an absolute minimum and designed in the local vernacular.

3.1.1 Deputy R.G. Le Hérissier:

I wonder, as a supplementary, what is the legislative basis? Was this discussed by the States? Was this an internal policy of the then Planning Committee?

Senator F.E. Cohen:

As I have previously stated, this was set out and agreed by the States in the Rural Economy Strategy. I have an interim policy. This policy will be rolled up into the Island Plan Review and States Members will have the opportunity of fully debating a proper policy. At the moment, this is only effectively guidance that can be used.

3.2 Deputy J.A. Hilton of St. Helier:

I am seeking the Minister's opinion on a situation which arises on an H2 site, Le Clos Vaze at the top of Mont à l'Abbé. We have a situation currently where the planning permit has not been abided by and the play space and community centre is missing from the development. I understand the developer has submitted another application for a site adjoining that site. I really would just like to ask the Minister does he feel that there should be an obligation on the developer to finish the development of the community space before a permit is granted for additional housing adjacent to the site?

Senator F.E. Cohen:

I do not wish to comment on a particular development, but I will say in principle that all terms of planning obligation agreements should be strictly enforced and in relation to any matter such that has been mentioned by the Deputy, I will be arranging meetings with the relevant politicians. Following that, there will be meetings with the developers and the House can be absolutely sure that I will do everything I can to make sure that all commitments are fully delivered on all sites.

3.3 The Deputy of St. Martin:

Will the Minister give an update on the Trinity Infill Application? Has the compensation issue been resolved and, if so, will the Minister inform Members of the cost of the compensation settlement?

Senator F.E. Cohen:

Unfortunately I am not able to give the House full details. This matter is still under negotiation. As soon as we are in a position of having a concluded agreement, I can assure the House that all Members will be fully informed and have the opportunity of commenting to me on it.

3.4 Deputy R.G. Le Hérissier:

I wonder if the Minister could say will the negotiations finish before the removal of scaffolding from St. James? [Laughter]

Senator F.E. Cohen:

It is a jolly good question, Sir, but I do not have the answer.

3.5 Deputy I.J. Gorst:

In some jurisdictions, planning permission is required before a piece of land can be subdivided, thus limiting the proliferation of garden grabbing. Will the Minister agree to review our legislation with a view to making such a change?

Senator F.E. Cohen:

Garden grabbing is a complicated issue. It is an invention of the Planning Applications Panel. I have not previously heard of the term. It does represent something that is of great concern to many Islanders, that in every available space anywhere you end up with another house appearing in a garden, and it is something we should avoid. However, there are cases where clearly large gardens should be, or can be, subdivided but we need to have a firm policy at the moment. We need to have a firm policy in place, and at the moment we are dealing with applications on the hoof. So, yes, I agree there should be a proper review of the circumstances and I undertake to do so.

Deputy I.J. Gorst:

Can I thank the Minister for that undertaking.

3.6 Deputy K.C. Lewis:

It is my understanding, Sir, that we are looking for other events to bolster the Battle of Flowers. If enough volunteers are found, myself included, will the Minister review his advice regarding the record-breaking firework display?

Senator F.E. Cohen:

My advice in relation to the record-breaking fire display was that I supported it. That was covered in full in the *Jersey Evening Post*. However, there seems to be some misunderstanding over the advice given by my department. There seems to be misunderstanding that my department provided advice that the record-breaking attempt should not go ahead. That is most emphatically not the case. My department did everything they possibly could to try and find a way of mitigating the environmental impact of this proposed rocket launch. The department cannot simply say because it is for charity and because it is a jolly nice thing to do that we can ignore the environmental impact. What the department did was to ascertain the likely impact and to put in place proposed mitigation strategies to ensure that the impact was reduced as far as possible. It was not the department's wish to stop the record-breaking launch and it was not the department's decision not to go ahead.

3.7 Senator L. Norman:

The Minister will recall that it was 2 years ago that the Constable of St. Ouen persuaded the States that the Council of Ministers should take action to protect and acquire the headland at Plémont. Now that the Minister has refused the planning application up there, what action is he going to be taking to comply with the wishes and decision of the States?

Senator F.E. Cohen:

As Planning Minister, there is not much action I can take. I have made it very clear that my personal view, and this is a personal view, is that the site should be acquired for the benefit of the public and should be returned to nature. As Planning Minister, there is nothing I can do to deliver that. It is really up to the States to make a decision to achieve that, and I would expect at some stage that someone will move something forward on that basis.

3.7.1 Senator L. Norman:

Is the Minister not aware that the States had in fact already made that decision and are waiting for some action from the Council of Ministers? As a Planning Minister, does he not feel he has some responsibility to ensure that the decision of the States is carried out?

Senator F.E. Cohen:

I do not see, as Planning Minister, that there is much I can do. It would seem rather odd if the Planning Minister came forward with a report and proposition suggesting the compulsory purchase of the site. I certainly do not intend to do that and I am sure the Council of Ministers will come forward with a proposal or other Members of the House can come forward with their proposals. We certainly need to bring the matter to a conclusion, and as I have said, my view is the site would be best in the hands of the public, used for the benefit of the public and returned to nature.

3.8 Deputy D.W. Mezbourian:

I would like to address the Minister in his role as Environment Minister and to say, Sir, that following the recent news that there has been a decline in breeding shags and cormorants on the north coast, my understanding too is that we have only 5 puffins return to the Island this year. Will the Minister advise what his priority is within the department to address these issues and whether his department are indeed doing anything to stem these declines?

Senator F.E. Cohen:

The department are clearly aware of these issues as they are in relation to the terns on the Ecréhous. However, these matters are complex and, for example, in relation to the puffin decline, there is various different theories about why puffins are declining. There is the effect of climate change, there is the issue of food stocks and a variety of other issues. So the department is on top of it but there is no simple answer to provide a strategy to improve bird populations, I am afraid.

3.8.1 Deputy D.W. Mezbourian:

A supplementary if I may. I understand that a biodiversity action plan may be being written by the Environment Department. Would the Minister expand on that?

Senator F.E. Cohen:

There is a biodiversity action plan in action. It was launched, I think, about 12 months ago. About 52 species are included. There are explanations of the circumstances of the various species that are under threat or under potential threat and the concept is that Islanders become champions of the particular species they favour. So it is there. It is quite a well put together document. It is one of the best documents the Environment Department have put together, from a visual perspective and I will ensure that the Deputy is provided with a copy and I am sorry if she has not been.

3.9 Deputy J.J. Huet:

As the Minister is probably aware, there is a meeting on Thursday morning, reference these developers' commitments that have not been carried out, but that carries on to say that what is the Minister doing about pieces of land that are agricultural, worth £50,000, with these development planning passed, they are worth £5 million? Does he not believe that it is now time that 20 means 20 and a tax should be put on this land by the owner, because this is ridiculous money that we do not use? That money could be used towards G.S.T. food bills.

Senator F.E. Cohen:

I think we have to be very careful in this area. The objective of good planning policy is that we should deliver what our community wants in terms of high quality buildings that they can live, work and play in and I think we have to be cautious about being driven by a concern for the profit or loss that we create as a result of that. I agree with the principle that where green field sites are approved for development, that it is appropriate that the enormous gain that is created out of that should, in some way or other, benefit the public. Whether that is by planning obligation agreements, where benefits are directly delivered to the public, or whether it is by a taxation mechanism, is really for the House to decide and not for me. It is my job to deliver high quality development. It is for the House to decide how they wish to direct the benefit from that development.

3.10 Connétable T.J. du Feu of St. Peter:

Given the answer which the Minister gave to Deputy Le Hérissier's opening question, regarding the enabling ability within the planning decisions, could I ask the Minister, is he in agreement or disagreement with that particular policy? He did not really come clean and give us an answer on that one.

Senator F.E. Cohen:

I think it is, in principle, a good policy but it is a dangerous policy. I think that providing we keep on top of it and we make sure that we use it as it was intended by the States when the States approved the strategy in July 2005, that it has benefits but we need to be very, very cautious. We do not want, as Deputy Le Hérissier said, to end up with a proliferation of mini estates emerging throughout the countryside, simply as a result of this enabling policy. My view is that we should keep the development to the minimum number of units, that the developments should be of the very highest quality, they should be in the Jersey vernacular, and that means predominantly built, constructed of granite, in appropriate vernacular design. I support the policy, but with caution.

3.11 Deputy R.C. Duhamel:

The Minister is aware that he wears 2 separate hats; one for planning and one for environment. On that basis, will the Minister be coming forward with comments from an environmental perspective, in order to inform the debate on P.72 which is the E.f.W. (Energy from Waste) plant or incinerator debate?

Senator F.E. Cohen:

The position is that there is an obvious tension between the roles of Minister for Planning and Minister for Environment and this is one of those issues where there is tension. I can assure the Deputy that all information that has been collected by the Environment Department will be made available to him and to any other Member who requires it. I am not of the view that any further work needs to be done in advance of the debate. I think that the work has already been done and all that work will be available to any Member who requires it; just let me know and I will send all the information we have to you.

3.11.1 Deputy R.C. Duhamel:

To put things beyond doubt is that a 'no', there will not be any environmental comments from the Minister, in relation to this debate?

Senator F.E. Cohen:

It means that there will not be any further comments from me as Minister, but it does mean that all the opinions of the department are collated by the department and the technical work done by the department is available to all Members. Comments will come from the Council of Ministers.

3.12 The Deputy of St. John:

In the absence of the instruction regarding environmental taxes, is the Minister confident that he will be able to implement meaningful additional environmental initiatives within his existing budget?

Senator F.E. Cohen:

It depends what you mean by "meaningful". Environmental taxes are not on the cards at the moment. Islanders are having to cope with G.S.T., they are having to cope with increased food prices, increased fuel prices, even middle income families are finding things difficult at the moment. To add on to that environmental taxes just will not deliver the atmosphere that you need to create with environmental taxes, which is a positive relationship between the taxpayer and the taxing authority, where the taxpayer is pleased to pay the tax because they can see the environmental benefits. So, effectively, we are going to have to do what we can in the intervening period, until we are able to introduce environmental taxes to provide benefits. They will not be the benefits that we would otherwise wish to provide. We are fortunate that the Jersey Electricity Company is providing £500,000 and very generous of them to do so. That money will be used, primarily, to provide insulation grants and other simple environmental objectives. But, in terms of the grander plans of environmental taxes, I am afraid they will have to be on hold for the moment.

The Deputy Bailiff:

Very well. I am afraid that we have run out of time so, Deputy Fox, I am sorry, we do not have time for your question.