

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

The Bailiff:

No other supplementaries? Very well, then that brings questions on notice to an end, so we now come to questions without notice. The first is to the Minister for Planning and Environment. [Laughter] Deputy Pinel?

4.1 Deputy S. Pinel of St. Clement:

I understand the demolition process at the airport departure building will take 5 years. Can the Minister explain the process and the timeline?

Deputy R.C. Duhamel of St. Saviour (The Minister for Planning and Environment):

I think the process and timeline will both be governed by the authorities who are going to be doing the removal work. What I have asked for before that work is undertaken is for a full record of the building to be undertaken, perhaps a 3-D model to be constructed. Indeed, I have passed on the suggestion that if any architectural features that have hitherto been hidden come to light and are worthy of record, that the record be undertaken properly. Indeed, a final condition on the permit is to suggest that should any architectural salvage be able to be undertaken in any shape or form then the heritage bodies, or any other persons who would be interested in finding, perhaps, new homes for those particular artefacts might well be consulted and encouraged. The short answer is that the demolition programme will not be undertaken by the Minister for Planning.

4.2 Connétable P.J. Rondel of St. John:

For some years now there has been polythene - farming polythene - which has been blown off the headlands at Grève de Lecq and finished up in the trees across the valley, which is totally unsightly in this beauty spot. As the Minister for Environment and Planning, what action is he going to take to have that polythene removed from that particular beauty spot, because it is in the trees everywhere?

Deputy R.C. Duhamel:

This is an issue that I am aware of from a number of years ago and I think the advice that was given and acted upon was that the plastic should stay in the trees in order to decay over a natural period of time based on the fact that to remove the plastic, it was being suggested, would cause more damage or harm to the environment than leaving it there to decay under ordinary circumstances. If indeed things have changed, then I would be happy to receive further advice and perhaps assistance from the Constable to get the remedial work undertaken.

4.2.1 The Connétable of St. John:

Given the Minister for Environment has under his wing area payments which go to farmers and given in this day and age we have tree surgeons who can get up into these trees, is it not beyond the wit of man to ask the tree surgeons to go up there and remove this polythene and, if needs be, the money can come out of area payments for the land across the road that created the spoiling of the area?

Deputy R.C. Duhamel:

Where there is a will there is a way and I think the advice that was being given to me and the previous Minister was that if the work were undertaken while there were leaves on the trees, and flowers and whatever, then more damage would be done. If, indeed, the work could be

undertaken during the winter then perhaps, as the Constable suggests, the plastic could be removed. I will look at it and see if we can do it maybe this winter.

4.3 Deputy J.H. Young:

Since the Minister clammed-up on us and refused to open his mind on how he is going to ensure our coasts are properly protected in the future, could he explain to us how he is going to do that, bearing in mind the pressure on development has certainly increased in recent years, and how will he make sure that issue is dealt with in the future?

Deputy R.C. Duhamel:

The Deputy referred to 2 planning applications that were made to a previous Minister but what the Deputy failed to mention was that there are 3 different zones that the buildings he has referred to fall into. It is only La Coupe that falls into the Coastal National Park area. Portelet is, as you know, Green Zone and Plémont was Green Zone as well. The Grouville development, I think he is referring to the proposed Capital Tower development, is in the Built-Up zone. The Deputy will also be aware that there is an Island Plan review which is about to be debated in this House come June/July, and there are 3 different areas or perhaps 4 different areas that this Minister has encouraged for interim review which would pay particular regard to the comments that the Deputy has put in his question. That is Policy GD2 for demolition and replacement of buildings, and Proposal 4A for restriction of permitted development rights in the coastal national park area, Policy NE6, further work to define the terms as to what constitutes our coastal national park, and further work on Policy NE7, which is the provision of buildings or not in the Green Zone.

4.3.1 Deputy J.H. Young:

A supplementary, if I may. In making his answer he has referred to the planning zones, but would the Minister not accept that in the public's mind, the coast is the coast and that they do expect that the legal requirement that is in the Planning Law for those coasts to be protected is put into effect?

Deputy R.C. Duhamel:

Absolutely, but perhaps I was being a bit picky with the words. It is only La Coupe that is in the Coastal National Park area, Portelet and Clement, notwithstanding the debate that took place in relation to one of those sites, are both in the Green Zone. There are standard policies that are slightly different for both zones, but I do take the Deputy's point that buildings within the Coastal National Park area have to be looked at particularly carefully. That is the policy at the moment. In terms of leaving behind a legacy of strong planning policy, that is, in fact, what I am doing, but there will always be ...

The Bailiff:

I think that was the original written question but I am not sure that the Deputy has asked it now. So you have answered the question the Deputy has asked now.

Deputy R.C. Duhamel:

Okay. Thank you, Sir.

4.4 The Connétable of St. Lawrence:

Paris has just imposed restrictions on vehicle use because of air pollution. Will the Minister remind the Assembly how local air pollution is monitored, how it is affected by the number of vehicles using our roads and whether there are likely to be restrictions imposed on vehicle use over here?

Deputy R.C. Duhamel:

The Air Quality Strategy which was accepted and agreed by this House lays out certain actions for myself as Minister for Planning and Environment and other Ministers to work together to seek to improve Jersey's air quality. There are a number of sampling points, notably at the tunnel exit and entrance, and in other places which take high volumes of traffic. The Constable is absolutely right that, regarding air quality, the biggest part of our problems do fall on behalf of transportation systems, that is cars burning diesel and petrol, and indeed, heating fuel systems that rely on the same fuels. In both regards, I think the controls that the Constable is asking for are adequately explained in the Air Quality Action Plan.

4.4.1 The Connétable of St. Lawrence:

A supplementary. The Minister did not advise whether the assessment of our air pollution has recognised that it is serious and whether vehicles may be restricted in their use or whether our air is clear.

Deputy R.C. Duhamel:

The transport policy that is being run by the Transport and Technical Services Department seeks to reduce the number of traffic movements on our roads. In doing so, that in itself, if it is the same vehicles being run on the same fuels, will reduce the amount of pollution that is experienced. To go any further will require further work to be undertaken which is a component part of the energy strategy and, under the new framework for working, I would expect that a joined-up approach by all the departments that have an interest in this area, that is T.T.S. (Transport and Technical Services) Health, Environment and others, will be working together to improve our air.

4.4.2 The Connétable of St. Lawrence:

I do not think I have had a straight answer: is our air safe to breathe?

Deputy R.C. Duhamel:

I hope it is, because I am breathing it and so is everybody else at the moment. It is safe to breathe but that should not be a reason for not wanting to improve it. There are certain chemicals that are produced which have a particular impact, particularly on youngsters and pram-pushers along main roads in terms of benzenes and other partially-burnt fuel components. In that respect, I can only repeat, the air quality strategy is determined to make inroads into reducing those harmful gases.

4.5 The Deputy of St. Martin:

In a very recent media release, the Minister is quoted as saying: "The Coastal National Park provides a huge range of benefits that are beyond monetary value." He further says: "Our challenge is to pass on the Coastal National Park in as good, or better, state than it is today." Given those commitments, would the Minister give an undertaking to reinstate the coastal footpath at the Pine Walk in my Parish at the earliest opportunity and regardless of the monetary value?

Deputy R.C. Duhamel:

Yes, the Deputy has an assurance that I will do, through my department, whatever I am able to do but, as outlined in questions to the Minister for Transport and Technical Services earlier today, he will know that this is a financial matter primarily and from the comments that were made by the Minister for Transport and Technical Services. I would just like to add that it has been suggested that the subsidence is mainly due to the previous construction of the road

which used a number of poor materials. Notwithstanding that, a joined-up approach to put back this important walk is to be welcomed and supported and I will do whatever I can to expedite the work.

4.6 Senator L.J. Farnham:

Just a change of tack to give the Deputy some respite from these challenging questions: what advice would he give to the next Minister for Planning and Environment should he decide not to take the job again for a second term?

The Bailiff:

Concise advice if you would, Minister.

Deputy R.C. Duhamel:

Perhaps I should consult my second head.

4.7 Connétable S.W. Pallett of St. Brelade:

In regards to third-party appeals process against a decision made by either the Planning Applications Panel or the Minister himself through the Royal Court for further appeals by either party through the Court of Appeal, what further action could the department take to challenge the decision made by either court?

Deputy R.C. Duhamel:

The challenges that are made on appeal are the challenges that go to the heart of the legislation that has been determined to apply to the application. I am not sure I can answer that particularly, to tell you the truth; it is too general a question, other than to say, if it is felt by myself and officers that there is merit in a further appeal, because decisions have been made in a way that can be challenged, then those challenges will continue to be made in the usual circumstances.

4.7.1 The Connétable of St. Brelade:

Could the Minister explain exactly what level of court would he be prepared to go to challenge the decision? That is really what I am trying to get at with the question.

Deputy R.C. Duhamel:

If the Constable is suggesting would I go all the way to Europe, again, that is a difficult suggestion to ...

The Bailiff:

Would you be willing to go to Privy Council from the Court of Appeal?

Deputy R.C. Duhamel:

I think it would depend on the case, it depends how strongly the department would feel whether or not the decisions were made correctly or incorrectly. I think Members have to be aware that the application of the Planning Law is down to an interpretation and sometimes court officials and others within the decision-making process come to different conclusions.

[11:45]

4.7.2 The Connétable of St. Brelade:

Can I have a supplementary to that? I understand what the Minister is saying, but in regards to making any further appeals, does the department take any consideration as to potential losses or costs involved in a case when considering to take any matter further?

Deputy R.C. Duhamel:

I think that really depends whether or not the department is more interested in the financial basis of challenge than the legal issues. I think both, as indeed in determining planning decisions, have to be taken into account. There have been instances where I have been reminded and encouraged not to make challenges on grounds of cost and, equally, the other way round.