

STATES OF JERSEY

Environment Scrutiny Panel Quarterly Hearing with the Minister for Planning and Environment

FRIDAY, 23rd MARCH 2012

Panel:

Deputy J.H. Young of St. Brelade (Chairman)
Connétable P.J. Rondel of St. John
Deputy S.G. Luce of St. Martin

Witnesses:

Deputy R.C. Duhamel, Minister for Planning and Environment
Chief Executive Officer, Department of the Environment
Business Manager, Department of the Environment

Also Present:

Scrutiny Officer

[10:02]

Deputy J.H. Young of St. Brelade (Chairman):

Welcome to this hearing of the Environment Scrutiny Panel. I think before we start I would just like to go around the table. I think you know our side but just for the record, Deputy John Young, I am chairman of the panel, the Connétable of St. John, who you know very well, and the Deputy of St. Martin, Deputy Luce; we are the 3 main ... and our support officer. Perhaps you could just introduce yourself for the record please.

The Minister for Planning and Environment:

Deputy Duhamel, Minister.

Chief Executive Officer:

Chief Executive Officer for the Department of the Environment.

Business Manager:

Business Manager for the Department of the Environment.

Deputy J.H. Young:

Thank you very much. Today is the first of our quarterly meetings with the Minister and we have an agenda of 10 major items and we have reserved from 10.00 a.m. to 12.30 p.m. for the meeting. There is a lot to cover. What I will try and do as chairman is broadly keep us, if we can, to about 15 minutes on average per item but it

is accepted that some of the items are probably more important and will need more. Deputy Luce has to leave for an unavoidable appointment at 11.45 a.m. so that will happen. Now, I think there are some formal things I need to do before we start to draw everyone's attention to the code of behaviour for members of the public that is displayed on the wall there and in particular electronic devices, please, mobile phones to be switched on to silent. Please, visual images or audio recordings by the public will not be permitted and please if you want to eat or drink, please leave the room quietly and do so outside. I would ask that members of the public do not interfere in the proceedings and as soon as the hearing is finished, to leave quietly. Members and witnesses may, of course, make themselves available afterwards, after the meeting is closed, and that communication should take place outside the building. Just, again, for the record, it is an important thing, for the sake of witnesses please could you confirm you have read and understood the witness statement that you have in front of you?

The Minister for Planning and Environment:

Yes.

Deputy J.H. Young:

Thank you very much. One thing that I am ... it is my first meeting as chairman, we have got some pre-prepared material but I am going to bring in my colleagues on the panel as we go through and we will play that by ear, if that is okay. The first question, Minister, you were elected a year ago in July and you have clearly had time to work out your priorities. Can you tell us what you think are the 3 most important achievements you want attributed to you as a Minister by the time you finish your office?

The Minister for Planning and Environment:

Yes, I certainly can. At least 2 of them, I think. I want a proper affordable homes policy for the Island to deliver more opportunities to the poorer end of the public sector to enable them to own their own property with a long term view of reducing the amount of support that those persons would otherwise ... be in a position to get through other departments, from Social Security, or whatever, and help. It is pretty clear that owning a roof over your own head gives you a large element of security. The next main thing to cover is whether you have got enough work to put food in your belly and to pay your hospital bills and things like that, look after your health. So that is the first one.

Deputy J.H. Young:

Okay, well we are going to cover the affordable policy in more detail in a moment.

The Minister for Planning and Environment:

The second one is to bring forward an energy paper. The Island signed up to international treaties and agreements to deliver carbon dioxide reductions in emissions and to change the emphasis in which the Island uses or abuses its energy. Okay, fair enough, I will have to speak louder.

Deputy J.H. Young:

If you can just clarify there, the energy paper, what particular aim, do you say, Minister?

The Minister for Planning and Environment:

That is with an aim of encouraging new lifestyle changes in order to generally use energy more wisely. Although it is an energy White Paper the whole principle really moves into other areas about wise use of resources generally. The third one is probably everything else and that is to ensure that the planning system is amended, or at least reviewed, to bring forward consideration and a new appeal system to discharge the Planning Law and regulations to see to what extent we can streamline the service, to improve on the service and to give a better service.

Deputy J.H. Young:

Thank you for that. I think, again we have got those items on the agenda so we will be coming back to those, Minister. Looking at the big picture then, your last point there, you said “everything else”. What is in your mind and your time commitment, I suppose? The balance of your contribution as Minister between the built environment and planning and the broader environmentalist aspects, how would you put it?

The Minister for Planning and Environment:

I would probably put it as 70/30, 70 for the environment and 30 for the planning. One of the things that I am mainly interested in is not getting bogged down in the detail of the planning application and you can see that from the new protocols that we brought forward to govern ministerial behaviour and the planning application and Members’ behaviour in deciding the detailed stuff. What I am particularly interested in is long term strategic planning. I think it is an area that has possibly been, not necessarily missed out but certainly been relegated to second or third best within the department for a large number of years. Although we do have a 10-year plan, the Island Plan, I think there are other issues, strategically, that go beyond that. One of the prime areas would be masterplanning of the Island through the Planning Ministers is encouraged and enabled to bring forward detailed masterplans which set out how areas should develop over the next 10, 20, 30 years. You can see the thrust and the direction of those policies with the energy structure that is coming forward. It is not necessarily for immediate delivery, it is longer term things and I think that is a fundamental shift in where I want to come from.

Deputy J.H. Young:

I think the Constable wants to get in.

Connétable P.J. Rondel of St. John:

On the masterplanning, are you ... am I picking up vibes here that you are moving away from your predecessor’s view on masterplanning?

The Minister for Planning and Environment:

Well, if you could remind me what my predecessor’s view on masterplanning was I could comment on it.

The Connétable of St. John:

Shall we say on the waterfront, we brought in Hopkins, et cetera, I think he had a certain view of doing things. Are you going to continue with that or are you going to be looking at masterplanning from within the Island and do it the Jersey way instead of from off Island?

The Minister for Planning and Environment:

Yes, well, certainly I would encourage all local players to play a part. Certainly as part of my election promises and the things I put forward to be nominated for the job was to see if I could encourage local development plans at the more detailed end to encourage people and residents who live in a particular area to have a greater voice in how their communities develop into the future. That is at the more detailed end. But if you look at the masterplans that have not been done we have got various States bodies pulling in different directions for the harbour area and the airport. We have not, until fairly recently, enabled a greater teamwork approach between health and in terms of the provisions, perhaps, for a new hospital and the location of those services. We have recently asked our officers to get involved with making preliminary links and linkages for masterplanning for the education services because we are talking about population. As it is, there are further future requirements for opening new primary schools and perhaps reorganising the catchment areas and things like that which are all long-term masterplanning issues.

Deputy J.H. Young:

If I could come in there, Minister, and that sounds to me like a very long and very demanding list of projects. Are you saying that, at the moment, your department is not geared up or our system of Council of Ministers is not geared up fully to deliver what you have said you would like to see?

The Minister for Planning and Environment:

The overlap with the Council of Ministers is a fairly tenuous one at the moment but that is something that should be done as well. I do not really think that we have pulled all the plugs out, so to speak, to engage in long-term masterplanning in a way that would satisfy.

Deputy J.H. Young:

So would that be a priority of yours to try and do that, Minister?

The Minister for Planning and Environment:

It is a priority, yes.

Deputy S.G. Luce of St. Martin:

If I could just ask the Minister. I have to say I share your enthusiasm for long-term masterplanning especially in some areas that you already mentioned. One in particular would be La Collette which you have mentioned specifically which I have always had a personal interest in a large scale long-term masterplan. But could I just ask a specific question at this point, where do you see the problems, or do you see the problems with Buncefield being resolved in such a way that we can use La Collette for the purposes for which it was initially intended?

The Minister for Planning and Environment:

Well, I think that is exactly it. I mean we have got ... the fuel farm will have to be relocated at some stage and that really is the fly in the ointment, so to speak, which is stopping redevelopment of the area in a way that, perhaps, would provide greater benefit to the Island than what we have got at the moment. In the absence of true masterplans we seem to have gone from pillar to post in terms of what we do with

particular areas and it is an ad hoc approach and quite clearly that does not always deliver what is best into the future.

Deputy J.H. Young:

So, Minister, what you described, if that sounds like an example, if I may come in there, La Collette and the Buncefield is an example of the gaps in the masterplanning regime at the moment, would you agree that?

The Minister for Planning and Environment:

Well, I would. I mean we have had various bodies, I means Harbours and Airports and the W.E.B. (Waterfront Enterprise Board) authority and indeed some other bodies have come up with ad hoc wish lists as to what development they would like to see down at La Collette but the links through to the Planning Department and in fact the absence of having the Planning Department being in pole position to drive the masterplan considerations has been noticeably absent. Those are the areas that we are putting in gear in order to remedy the situation.

The Deputy of St. Martin:

Could I just ask in the big list of major masterplans would you see La Collette at the top of the list?

The Minister for Planning and Environment:

No, I think with masterplanning it is difficult. If you tend to put your priorities all in one place then it means that some other equally important areas might be ignored so I think I would rather try and set up 2 or 3 larger work streams and as far as possible see if we could run all of those in parallel. But there will be issues in terms of funding. The department do not have access to large sums of money for masterplanning although the States did decide that if we were going ahead in this fashion, and that is what they did decide, then presumably those monies should be forthcoming.

Deputy J.H. Young:

Right, how much have you got available, Minister?

[10:15]

Chief Executive Officer:

Well, at the moment we do not have ... we have an existing budget; we do not have a dedicated budget for masterplanning. We put a pressure bid in for the medium-term financial plan to say that if we are serious about doing a lot of this work ourselves in-house then we need to resource it appropriately. We have spent significant sums of money, as the Constable has referred to in the past, in terms of how we procured masterplans previously and they have been very expensive ways of procuring masterplans. We put a bid in for ... it is a 6 figure bid for £100,000 extra resource for the next 3 years. The majority of our resource, though, is our people so we have got a planning policy projects team of 6 officers and there will be a couple of those who are focused on supplementary guidance and masterplanning.

Deputy J.H. Young:

Thank you for that. If we can perhaps come back to that as I got the issue of resourcing but clearly there is a link between masterplanning we have got there. I think you wanted to get back in, Constable.

The Connétable of St. John:

I am going to get back in on that issue with Buncefield and La Collette, et cetera. Now given that in the 1990s we were supposed to be moving the Kosangas of St. John down to La Collette, has the policy changed or is it changing because I see there is an extension being proposed for Kosangas at the back of St. John with their bottling plant, et cetera. That was all supposed to be moved years ago. Is the policy changing? Is this all within the old masterplan, is it? Is there something that is happening that we do not know about?

The Minister for Planning and Environment:

I think with the company who run the gas in Jersey ... I mean there are discussions that have taken place fairly recently because they do have extensive sites within the town area which is part of the North of Town Masterplan. What is being encouraged at the moment is for their other lands, up at St. John or wherever, to be put into the melting pot. Now, in addition to what they might require for new facilities for the importation of liquefied natural gas or whatever down the harbour area but all of this is really tied into what long term must be considered in order to bring about the betterment of the area. It is pretty clear that the fuel farm is a huge constraint at the moment and ways and means have to be found in order to encourage reorganisation of those facilities in order to allow the better redevelopment of the whole port area.

Deputy J.H. Young:

So we could take that, Minister, as one of your priorities? That is one of the major planning issues. Does that clear up your particular point on that?

The Connétable of St. John:

If I could just go slightly further into that, Chairman, given that in the past we have discussed ... it has been discussed at a higher level, moving the fuel farm to other places, i.e. St. Catherine, Ronez, et cetera, is all that dead in the water or is that all up for grabs, yet again?

The Minister for Planning and Environment:

No, I would say some of them are more dead in the water than others and I think if we are going to talk in terms of port relocation of facilities then I think Ronez comes top of the list.

Deputy J.H. Young:

Right, okay, so if I could come back to the broader question, Minister, obviously you have made, and I am trying to sum up what I think I have heard you say and please correct me if I am wrong, is that masterplanning, improved masterplanning, long term planning, is one of your main priorities. You have got a long list of projects, you have outlined some of them, identified key ones at La Collette and the issue of the fuel farm but you are stuck for resource, if I may put it like that, at the moment. You have made a bid in the medium-term financial plan for funding to have external support. In your answers to the Connétable I think you prefer to use locally based resource, local

expertise and so on to help but you have got a manpower problem. Is that a fair summary of ...

The Minister for Planning and Environment:

I think that is a fair summary. I mean the other thing that is worth noting at this stage is that previous incumbents of this particular job and indeed the Treasury managed to find significantly larger sums of monies. When we looked for the EDAW Masterplan exercise that was done a number of years ago and that was sort of in the order of £250,000 so that puts our bid into context. We are not being greedy, we are asking for £100,000 up front to start the process off. Obviously, if a better funding stream could be found then the workload could be accelerated but if we have to find the monies from within our existing budgets then the only other route, and I think the Chief Executive Officer would agree with me on this one, in terms of planning fees and apportioning some of the monies into a separate pot to pay for the masterplanning function.

Deputy J.H. Young:

If we could come back to that, Minister. I would like to, just before we close this subject, just raise the issue of political support. Obviously, we spoke about logistics. You, as Minister, have, I think, one Assistant Minister at the moment.

The Minister for Planning and Environment:

Half a Minister.

Deputy J.H. Young:

Can you describe to us what that role of that Assistant Minister does and I would particularly like to know whether that support is adequate support for you to fulfil the role that you have outlined?

The Minister for Planning and Environment:

The half of the Assistant Minister that I was allocated, she is primarily interested in providing assistance on the environment front. She does not want to be involved with anything to do with planning and that was the condition upon which she was engaged.

Deputy J.H. Young:

You said "allocated", who does this allocation? I mean, you, as Minister ...

The Minister for Planning and Environment:

It is a political process that has to receive the support of the Chief Minister and there is an element of veto in terms of which politicians can be nominated for an Assistant Ministerial post.

Deputy J.H. Young:

Could I take that to understand that you were told you could have half a Minister?

The Minister for Planning and Environment:

Yes.

Deputy J.H. Young:

Is that satisfactory in view of the workload you have just set out?

The Minister for Planning and Environment:

I think at the moment it probably is but really I think the more pressing point is to establish the links to a proper funding mechanism to ensure that whatever happens I have got the officer support in order to carry out the function.

Deputy J.H. Young:

Thank you very much. One last closing question. Council of Ministers, you have been a member of that body for some time now, can you tell us the percentage time the Council of Ministers has spent discussing with you environmental matters and policy matters?

The Minister for Planning and Environment:

Very limited.

Deputy J.H. Young:

Is that satisfactory?

The Minister for Planning and Environment:

Well, in the context of how the Council of Minister works it is probably as good as we are going to get at the moment.

Deputy J.H. Young:

Okay, thank you, Minister. I think if my colleagues ...

The Connétable of St. John:

What kind of limited? Could you give us that in hours please over the last 6 months?

The Minister for Planning and Environment:

Number of hours? Well, the way the Council of Ministers works is fairly ad hoc so it is down to as much as individual Ministers coming forward to try and solicit the support of other Ministers if they have got a particular large proposition that they want to get through the States rather than sitting down ...

The Connétable of St. John:

So am I reading that to mean that you had no large propositions to bring to the House so therefore you have had next to none of their time?

The Minister for Planning and Environment:

That is probably right. Yes, it probably goes further than that to say I would raise questions and issues as to the efficacy of the whole Council of Ministers anyway because we do not, as a matter of course ... this is being taped, I know, I am cutting my own throat if I speak, but we do not, as a matter of course, sit down and discuss the long term issues which, I think, should be meat and drink to any political Minister.

Deputy J.H. Young:

Thank you, Minister, for being open on that point. I think unless my colleagues want to follow up any matters there I think we should move on to the ...

The Connétable of St. John:

There was one while we are on this that I would like to ... in any masterplan that you might be considering would you be looking at replacing all our explosive products, i.e. fuels, gas, off Island and piping it in with an agreement with our cousins in Normandy because it had been mooted 7 or 8 years ago?

The Minister for Planning and Environment:

Yes, it was mooted a while ago. All I can say in that respect is that the pipeline option that was considered by external consultants suggested that whereas it might well not have made commercial sense for one particular fuel form to be imported into Island via a pipeline, there were questions marks as to whether or not the system would be efficient if indeed you could deliver half a dozen different fuels. Interestingly enough a number of parties have come for preliminary discussions to discuss whether or not a better route forward, certainly for gas, might be to have not a pipeline but an offshore terminal. So an offshore terminal could be located in an area which was not a danger for onshore industrial commercial activity in such a fashion that you would have a shorter pipeline link from that terminal back on to land. Certainly, it does look as if it could be commercially viable and feasible.

Deputy J.H. Young:

I think that we should come back to that one on another occasion, I think, it is obviously an important subject but thank you, Minister. I think next on my list was more with budgets and medium-term financial planning. I think we have probably covered a number of the questions I just need to pick up. You have said that you could not discharge your long-term forward planning services, I think, fully. You cannot meet the need with the resources you have got.

The Minister for Planning and Environment:

I said it going to be difficult to achieve but we will do the best we can.

Deputy J.H. Young:

Thank you, Minister, for clarifying that. Are there any other services that you do not feel you are able to fully discharge responsibilities both on the planning side, planning and building?

The Minister for Planning and Environment:

I think it was subject to another report that the monitoring and regulatory functions, and in particular for air quality or for water quality. Again, could benefit from extra monies in order to assist in that capacity.

Deputy J.H. Young:

Right, that is more people or ...

Chief Executive Officer:

Yes, I can elaborate a bit more. I think we sort of described previously we do what we do with what we have got, frankly. I think that is a fair summary and I think we cover all of our bases ... we discharge all the laws that we have got. I think there is a "could we do with more?" Yes, we could, I think water quality is one of those areas that we could do a lot more monitoring, a lot more assessment of that monitoring if we had more people and certainly we would consider that is a growth bid under the medium-term financial plan as well following the review of water quality that took

place last year. So that is certainly an area where there is a lot of pressure. We could do a lot more with more resource there. The planning policy side of things. Generally we have ... as I say we have got 7 officers in planning policy, 2 of which are concentrating on our historic buildings and the historic environment. So we have 5 other officers, one is the manager of the team, does quite a range of functions but we have one focusing in on waterfront and those areas and we have got 4 other officers, one of who takes a leading role on the digital mapping side of things as well. We have got probably about 40 or 50 supplementary planning guidances to produce plus masterplans on top of that. So there is a big pressure there. The Island Plan now approved has a huge range of guidance notes that now need to be produced. You will have seen on our press releases we are pretty much churning these out now on a conveyor belt but it is a big pressure. They are the 2 areas which I would say we are very pressurised on.

Deputy J.H. Young:

Would it be true to say that many policies of the Island Plan that the States have approved are dependent upon the production of these supplementary planning guidances before the policies can be put into place?

The Minister for Planning and Environment:

They are not dependent. I mean the nature of the supplementary planning guidance note, as you know, is to add a bit more flesh to the policy. I mean the policy should really have been written in a format clear enough to be interpreted.

The Deputy of St. Martin:

I know this is a bit out of the blue but it is a question going on to masterplanning and financing and all sorts of other stuff being related. Could I just ask a question about compulsory purchase and whether you feel that is something we need to use more in the view of a masterplan?

Deputy J.H. Young:

Could I come back to that, would you mind, Steve? I think it is a really good question but I would like that in a context, would you mind? Apologies for that.

The Deputy of St. Martin:

Right, okay.

Deputy J.H. Young:

I will make a note.

The Minister for Planning and Environment:

One other comment, if I may, is that just recently it was suggested by myself to the Council of Ministers that there was an opportunity to take on a sizeable number of the unemployed, those who had found themselves out of a job just recently, to assist us in the environment work that otherwise would not or could not be done as quickly.

Deputy J.H. Young:

So your funding ... so far you have told us about for the S.P.G.s (Supplementary Planning Guidance), you talked about long-term plans. You have told us about air

and water pollution monitoring. Are there any other gaps that you are going to be bidding for?

Chief Executive Officer:

They are the 2 main ones on revenue. We have got some bids relating to capital.

Deputy J.H. Young:

Can you tell us what they are?

Chief Executive Officer:

Capital related to our fixed assets. The weather radar is the biggest asset we have. That needs a further refit in 2014 and basically this is constant upgrading of components because they wear out and the technology changes. There will need to be an asset replacement of that at some stage in the future.

The Connétable of St. John:

We cannot buy that service in from off-Island?

Chief Executive Officer:

The radar, no, because it is geographically based. So the radar covers the Channel Islands and is part of the U.K. (United Kingdom), part of British Isles weather radar network. So the radar, itself, was funded, initially, by the U.K. Met. Office back in the day when it was put in with a deal that it is managed and maintained by us. As I say, it feeds into the British Isles Network. As a result of that we get a lot of free information from the U.K.

The Connétable of St. John:

Can I pick up on that, you said “managed and maintained” but replacement would come on to them, surely.

Chief Executive Officer:

Well, I think the deal was that we initially got funding from them but we could try. I would not have thought that very fertile territory.

The Connétable of St. John:

The way they are kicking us at the moment we should be screwing them, making sure they are held to account on anything we have signed up to because if we are supposed to maintain it, it is one thing but any replacement, I believe, we should be looking at our paperwork.

[10:30]

Chief Executive Officer:

Yes, well, the asset itself is our asset to use for our own service provision so that is where, you know, it is ... it should be badged as a strategic service for the Channel Islands. It is a Channel Islands wide service. So that is a big area, how we fund the capital, I think there are a number of options but it is a big capital pressure.

Deputy J.H. Young:

I wonder if I could just ask you a supplementary question on this point; are you satisfied that the current setup, the way the Met. Office is structured within your budgets and so on enables sufficient priority for that service to sustain a decent weather service?

Chief Executive Officer:

Yes, we have just undertaken a big review. There has always been an underlying question about can we privatise the Met. Service, that was raised by the Auditor General back in, I think, in 2007. The Public Accounts Committee of 2 years ago asked the same question. We have undertaken quite a big review of the Met. Service over the last 12 months. What it has concluded is that it is cheaper to do it here than it would be to buy in from the U.K. Met. Office. We have done some benchmarking data as to what it would cost. So the added value of having the service here as well, it also adds a lot of value to a lot of services and they, in effect, get a lot of free information from the Met. Office which helps, certainly, with our drainage and pumping and schools and emergencies, et cetera, et cetera. I think we have been looking at costs. The costs have come down substantially over the last ... if we go back 7, 8 years we have gone down from 25 staff to now 14, so we have nearly halved the staffing base. Technology is improving and we have invested in technology. So it is an evolving picture. I think we can do more with it. The review has concluded that we could be looking at evolving it with far more use of technology, I.T. (Information Technology), the web, that sort of thing. We are looking at the staffing base and what we currently we do. The relationship with the air force is another key one. We have just signed a new service level agreement which is a new 8-year agreement with the airport to continue to provide their data. That was benchmarked with the U.K. Met. Office and we came out a lot cheaper. Yes, it is an evolving piece. The other benefit of keeping it on-Island is that that is on-Island spend and on-Island resilience, if you like.

Deputy J.H. Young:

Absolutely, thank you for that. I think what I wanted to establish was whether there are any urgent issues. It sounds to me, if I may sum up, that there is an ongoing maintenance issue of asset replacement, and so on, proper investment and keeping up, but it is not one of those areas that at the moment you cannot sustain or meet the objectives that you have got?

Chief Executive Officer:

No, I would agree. I think we are now entering a positive period, we can be very proud of this service. It is a Channel Islands-wide service that we provide. We have just recently taken on 2 trainees, local girls who have just taken on a trainee role to grow them into the roles as well. I think the picture is very rosy.

Deputy J.H. Young:

Thank you very much.

The Connétable of St. John:

I would like to come in on that, please? The reason being, we are the U.K., Jersey, Channel Islands-orientated. We are only 14 miles away from France; they have got their own weather stations there. We sit in the bay of Mont Saint-Michel/St. Malo and yet what work do we do with our French cousins, because to me it is ludicrous

that we appear to be doing everything that way. Is there no savings to working with our French cousins?

Chief Executive Officer:

We trade a lot of information with France Météo as well. As I say, we are not just part of the British Isles Weather Radar Network, also the European Weather Radar Network, so we trade a lot of information. We have probably assessed in the review that the information that we receive is probably worth, commercially, about £750,000 per year. If we were privatised, then we would not get that information free, and that is the biggest obstacle, I think, to any sort of outsourcing, that we would then be in competition with private weather providers. I think the French weather service does cover areas. The question, I think, is about local resilience and how much of the service do we want on-Island, and how much do we want off-Island, and how much of the local conditions do we take into account? Generally, I think even if we did buy it from the French, if you like, we would still have to part with a lot of cash to get that service in.

Deputy J.H. Young:

I wonder, because this is quite a specific subject, I think we have a good basis and a position, and I think it would be good to come back and consider what has been said. We may come back to that on another occasion in the future.

Chief Executive Officer:

The other thing, Chairman, if I may, we are in the process of just finalising some of this review work into documentation which we would be happy to share with the panel as to where our thoughts have gone.

Deputy J.H. Young:

Thank you. I did stop Deputy Luce in his question. We have covered manpower, we have spoken about revenue and capital. I think it is an important issue about ... whether we have ruled out the use of compulsory land acquisition, because many of the projects that you are describing, I want to put it to you, do you agree that they have potentially got land acquisition requirements on the end of them, those long-term planning issues?

The Minister for Planning and Environment:

Not necessarily. The other way to play it is to see if we can seek to achieve or encourage the property owners to work together.

Deputy J.H. Young:

But you would not rule it out, Minister?

The Minister for Planning and Environment:

I certainly would not rule it out. It is there as a tool in the toolbox of the Minister for Planning and Environment to bring forward. Obviously, it is not particularly popular and never has been in the past, with States Members. And in the instances where we have invoked it, it has been fairly expensive, but I would not rule it out.

Deputy J.H. Young:

I think one point I would like to know is that you have the power to propose the uses of land under the law, and yet the Minister for Treasury and Resources has the power to deal with compulsory purchases, as I understand it; is that correct? Is there a split of responsibility?

The Minister for Planning and Environment:

No.

Chief Executive Officer:

The power sits with the Minister for Planning and Environment.

The Minister for Planning and Environment:

The power sits with me.

Deputy J.H. Young:

The whole power sits with the Minister for Planning and Environment?

Chief Executive Officer:

Yes.

Deputy J.H. Young:

Thank you. Do you want to follow up?

The Deputy of St. Martin:

Not really. I was interested to know the answer to the question on the basis that if you do have a long-term plan, which is 20 and 30 years, it may well be that a small pocket of land in the middle of a larger scheme is holding everything up, and you just accept ...

Chief Executive Officer:

I think it is a very good question. I do not think we have used it a lot in the Island, but it is in the law as a tool if we need to.

The Deputy of St. Martin:

Am I correct in thinking it is usually only invoked for educational or safety issues?

The Minister for Planning and Environment:

No, it can be invoked for anything, if there is an Island-wide interest that has been frustrated by the ownership of land issues, then that is the nature of the law, to allow the Minister for Planning and Environment to cut through that and to insist that the land is taken under the States' wing and people are compensated in the usual fashion.

Deputy J.H. Young:

Can I take it, Minister, that your mind is open to do that where necessary?

The Minister for Planning and Environment:

Yes, it is open to doing that, but I would also suggest that it is not going to be a power that is going to be abused or meted out willy-nilly or too often. It should only be a power that is used when there is an overriding reason for using it.

Deputy J.H. Young:

Thank you. I think at that point I would like to close that discussion and move on ...

Chief Executive Officer:

Chairman, if I may, just for completeness, the 2 other capital requirements we have are the fisheries boats and our countryside infrastructure, which are footpaths, car parks, those sorts of things.

Deputy J.H. Young:

Fisheries boats, what, replacement?

Chief Executive Officer:

Yes, mid-life refit in 2014, and then it would be due a replacement at some stage. Obviously, they come to the end of their lives.

Deputy J.H. Young:

The other one was?

Chief Executive Officer:

Countryside infrastructure, so footpaths and some of our countryside car parks that serve those routes.

The Minister for Planning and Environment:

It probably goes a little bit wider than that, because one of the things I am hoping to bring forward is a new landscape strategy, and we have also got the extra increased workload to determine whatever the Coastal National Park management plan is going to be.

Deputy J.H. Young:

Would that sit within the long-term planning issues that you need resources for?

The Minister for Planning and Environment:

Yes.

The Deputy of St. Martin:

Could I ask if the Minister could give us a 30-second overview of the landscapes strategy?

The Minister for Planning and Environment:

Yes, this is early days, and I only have 30 seconds. But in my mind's eye, I think it should be said that when I come back to the Island, and if people are honest, a lot of the landscape is looking fairly tired. Within the farming industry, we do not have a lot of spare labour capacity, as we did in the old days, to look after the roadside walls and the branchage, and the hedgerows. Although we have Trees for Life, or whatever they are called these days, to look after some of our woodlands, generally the state of the woodlands compared to other woodlands elsewhere is fairly mediocre, and there is a phenomenal amount of "tidying up" work, if I can put it that way, to improve the look of the landscape. On the flip side, we do have responsibility within the law for penalising farmers who are taking the bit between their teeth and ripping out hedgerows. It is something that requires planning permission, but of late a number of

larger farmers are beginning to remove hedgerows which are detrimental to the historic aspects of the field structures.

Deputy J.H. Young:

Can I take it, Minister, doing something about that is one of your priorities?

The Minister for Planning and Environment:

It is a priority, but again, it depends how it is going to be funded. I have got a couple of ideas in my mind.

Deputy J.H. Young:

I think for the moment ...

The Deputy of St. Martin:

I think we could possibly come back to this.

Deputy J.H. Young:

Yes, I think so. But clearly, what you are saying is, if I may again summarise - put me right if I am wrong - that with the changes in agriculture, farming, there are a lot of areas of the countryside that do need some ongoing maintenance in terms of public access and so on.

The Minister for Planning and Environment:

Absolutely.

Deputy J.H. Young:

Thank you.

The Connétable of St. John:

Lastly on that point, though, you mentioned solely agriculture, but are you not concerned that developers are also removing hedgerows ...

The Minister for Planning and Environment:

Yes.

The Connétable of St. John:

... because that is a concern in my Parish.

The Minister for Planning and Environment:

Absolutely.

Chief Executive Officer:

I think the key part of the strategy would be to link our biodiversity work, our protection and enhancement work with development as well, in terms of contributions.

The Minister for Planning and Environment:

I have asked the department to look into funding a landscape architect, because there is work that not only could be done in the rural aspect, but also for a lot of our housing estates and in town areas. It is a long-term aim to try and “green up” the

town as far as possible. It is happening in other places, but obviously you can only do what ...

The Deputy of St. Martin:

If I could just say, Chairman, I think there is a wider sentiment here about maintaining not just the infrastructure and the landscape, to the maintenance of historic buildings, listed buildings, which we are going to come back to in the funding of how we achieve that.

Deputy J.H. Young:

I think I am going to close this discussion today; it is a really important subject. Clearly, Minister, we have learned it is a priority of yours, and it is related strongly to the resource issues and organisation. I want to move now to the subject of meeting housing needs, and if I may open up this discussion starting with the Island Plan 2011 which the States approved last July. I think, looking through that, in preparation for this meeting, there seem to be a series of policies there, and I think, generally, I wanted to find out from you where you are with each of those. The first policy is Policy H2 and Policy H2 sets out there were some sites zoned previously by the States at that time for first-time buyers and social rented housing, 45/55 split, and then the addition of Jersey Homebuy was added by amendment in 2008. I wonder if you can tell us where those 2 sites currently stand in terms of issuing development briefs.

The Minister for Planning and Environment:

I think the officer can probably give you a lot more detailed information, but my take on it is that the H2 sites have been put on hold. In their own rights they would not have solved any perceived or actual housing problem, and this was the reason for the thrust of the new Island Plan to seek to encourage the regeneration of the town and to take up the opportunity of doing most of your building work that needed to take place in the next 10 years within built up areas.

Deputy J.H. Young:

Could I ask you to clarify that, because when one reads the policy statement, I could not see in the approved Island Plan that the policy is on hold? That particular policy still reads as if it is current.

Chief Executive Officer:

Yes, the purpose of H2 is, if you like, to take the approved sites from the previous plan, the ones that were remaining, into the next policy framework. Certainly some sites were on hold, frankly because of the state of the development industry. One of the sites, for instance, a small site at St. Lawrence, has not progressed from the last plan. There have been some tentative discussions around the site, for instance. We have got other sites in the area, some of the lifelong home sites from the 2008 proposition; they were referred to.

Deputy J.H. Young:

Yes, I was going to come to those.

Chief Executive Officer:

Permissions exist, I believe, now, for all of those, but some are being built out, some are not, and again, I think the state of the market is probably the key pressure on

those. So, they are there for completeness, in effect. They were, if you like, perfectly good H2 sites previously. They have been rolled over into this plan, so that is why they are in ...

Deputy J.H. Young:

But they are privately-owned sites, are they not?

Chief Executive Officer:

Yes, they are.

Deputy J.H. Young:

What I am trying to get at is, we have a policy where the land was zoned for a purpose in the Island Plan?

Chief Executive Officer:

Yes.

Deputy J.H. Young:

They were going to be developed for the purpose stated in the plan, development briefs issued for them, and I think what you have said to us is that that has not happened because in one case it might be the market has not asked for it, but also the suggestion is that you have rolled them into your new plan, as it were?

Chief Executive Officer:

They have been rolled over for completeness, in the sense that they are approved sites for development to come forward on. The policy is fairly clear on the split that is required, so at the moment we do not have a Homebuy product to deliver on those sites, so they would go for first-time buyer, social rented purposes, and that is ...

Deputy J.H. Young:

Does that mean, then, that if an application came forward on those sites now, that would fall within the policy?

Chief Executive Officer:

Yes.

[10:45]

Deputy J.H. Young:

Thank you for clearing that up. Also, there are a number of sites under H2 which were listed down as being safeguarded, or something, in the Island Plan, for future housing development. I think to clarify, though, I think those are probably the ones that we were just talking about.

Chief Executive Officer:

What we have tried to do in this Island Plan is be a lot clearer as to: "Is this a housing site or is it not a housing site?" The previous Island Plan had 3 tiers of types of zoning: either H2, H3, or H4, sites, very confusing. What we have tried to do in this Island Plan is say: "This is a housing site. If it is in there, it is a housing site." It is as simple as that.

Deputy J.H. Young:

Thank you very much. Obviously, H1, though, if I may, there was another major policy of development of States-zoned sites. When I re-read the policy, I reminded myself that the policy says that there will be a monitoring of progress on those sites.

Chief Executive Officer:

That is right, yes.

Deputy J.H. Young:

And one of the criteria will be planning applications being made within 12 months of the plan. Now, 12 months of the plan, if my mathematics is correct, comes out in July 2012.

Chief Executive Officer:

It is 29 June.

Deputy J.H. Young:

Sorry, 29 June, and here we are in late March, and I wanted to know, are you on target to meet that date, and if not, is it now your intention to immediately review the glasshouse sites which are listed as that policy says?

The Minister for Planning and Environment:

No, I think we are on target, but that said, I think the usual political kind of questions and shenanigans lie in the system. There are a number of politicians who are in a position to frustrate the aims of the Ministry for Planning and Environment in this regard, potentially, and politically one is doing whatever one can in order to ensure that the policy gets a fair crack of the whip.

Deputy J.H. Young:

I think, Minister, you need to help us a little more with explanations there.

Chief Executive Officer:

The application will not come from our department. The application will come from Property Holdings or the Jersey Development Company, so clearly it is within their gift to lodge the application. We have made it very clear what the trigger is, the trigger date. We have issued the briefs in due course, so they can lodge the applications, so to a certain extent, the ball is not in our court.

Deputy J.H. Young:

If I understand, then, that policy is dependent upon the Ministry for Treasury and Resources bringing forward a ...

The Minister for Planning and Environment:

We have difficulties because the policy for using the States of Jersey Development Company really centred on only dealing with land that had been determined to be surplus to States' requirements. Now, if you sit down and think about it, if the piece of land that is being discussed is to build further housing for affordable units or for other purposes, strictly speaking it is not surplus to requirements, so it should not necessarily have to go through the States of Jersey Development Company to be

procured. But that is the way it is being interpreted through the Treasury at the moment. I think it is a flaw in the process.

The Deputy of St. Martin:

Can I just ask, is it Property Holdings that determine what land is potentially surplus to requirements?

The Minister for Planning and Environment:

I think it comes down to the Minister for Treasury and Resources.

Chief Executive Officer:

Yes, well ultimately, Property Holdings is the lead department for that, and a number of those decisions are made in the property plan for the States as a whole as to what is surplus or not. So, there will be a clear flowchart that Property Holdings will go through in determining whether any assets are passed over to the development company. It is mainly the property plan which makes that decision.

The Deputy of St. Martin:

If I could just carry on? Just taking two steps back, could I just be quite clear; what you are saying is that there could be a deliberate attempt by other Ministers or ministries to not apply for sites, on the basis that if they fall after the date you may well then have to look at other sites for housing?

The Minister for Planning and Environment:

Absolutely, yes.

The Connétable of St. John:

Could I help, Minister, if I put in a question that is slightly different to that? Would it not be uncommon for policies of a department to be derailed by any States Member by bringing the proposition to the States on certain items?

The Minister for Planning and Environment:

No, I do not think in this respect any other politicians are in a similar position to do it, because it is only the Minister for Planning and Environment who has got the planning powers to bring forward zoning re-propositions, or indeed to encourage particular developments in a particular direction.

Deputy J.H. Young:

Again, if I may sum up, what you are telling us is that there is a policy of the States agreed in July 2011 which is not being currently implemented, we are not going to meet the targets...

The Minister for Planning and Environment:

No, I have not said that. I have said that there is the potential for the policy to be derailed, because the full responsibility and remit does not lie within my hands.

Deputy J.H. Young:

But can I put it to you, Minister that, as you said, you are the only Minister that can propose policies to the States for the Island Plan policies under the Planning Law, and the States have approved that policy, so that responsibility sits with you, does it not?

The Minister for Planning and Environment:

Yes, it does, but the States at the time put forward this time limit without properly giving it too much thought as to the usual hoops that had to be jumped through before the policy could be delivered. That said, we are quite close in delivering on at least one site the quantum of units that have been asked for.

Deputy J.H. Young:

Which site is that, please?

The Minister for Planning and Environment:

Girls' College.

Chief Executive Officer:

I think what the policy says that there is a trigger mechanism if planning applications are not submitted within 12 months. We are on the receipt of the application, we do not submit, so in that sense, there is the ball in someone else's court to submit the applications to make sure that that trigger is met. All the indications are so far that that will be met, for the threshold that the briefs that we have issued on the Girls' College and also the Summerland site, 2 significant landholdings in town which are in H1. There is a lot of work going on, certainly within the Property Holdings and Development Company, to look at those sites. So, we are expecting the trigger to be met. I think what we are highlighting is the fact that in meeting the trigger, it is not our gift to meet the trigger, if you like. An application has got to be lodged with us.

The Deputy of St. Martin:

Could I just ask the Chairman whether you would be minded to go back to the House to extend the date, if you felt that would help?

The Minister for Planning and Environment:

I am not saying I am at that point yet. Being the eternal optimist, I think that we have done enough in order to ensure that we do meet the time. I am just referring to the potential of the system to ...

Chief Executive Officer:

In changing the date, we would need to lodge a formal amendment to the Island Plan and go through the big process of why we were changing the Plan.

Deputy J.H. Young:

The whole process, okay.

Chief Executive Officer:

What we cannot obviously forget is why we had that trigger inserted in the first place; it is because other H1 sites were removed from the policy, so clearly we have the agents and landowners of those sites looking very carefully at where the process is going, and they will be lobbying very hard to bring those sites forward, I am sure, if we do not meet the trigger. So it is a balance of both parties.

The Deputy of St. Martin:

Could I just finish by asking the Minister whether he thought the sites chosen for H1 in the Island Plan were the right ones, or whether he thinks some of the “secondary sites”, shall we put it that way, were better?

The Minister for Planning and Environment:

How do you mean? I thought the H1 sites were any sites that were going to be deemed to be surplus to requirement, and that is kind of a bit of a circular argument. I thought perhaps the better way of thinking about it, and is certainly the interpretation that I would put on it and maybe still do put on it, is that any States sites should be considered.

Deputy J.H. Young:

If I may come in; what I read the policy to say was that there were 5 sites listed, but it says that you are going to achieve 150 affordable homes from those sites?

The Minister for Planning and Environment:

Yes.

Deputy J.H. Young:

So if you have got 150 on one site, that would presumably meet the policy?

Chief Executive Officer:

Yes, that’s right.

The Minister for Planning and Environment:

Yes.

Deputy J.H. Young:

But what you are saying to us is, I think - again, if I get it wrong, put me right - is that there is a dialogue with Property Holdings as to which of those sites is the ones that are going to run early?

Chief Executive Officer:

I think what H1 does, if I take my Planning hat off, it places an onus on the landowner, in this case the States, to give 150 homes over and above what they would have had to do anyway. Clearly, it is down to the landowner to a certain extent to decide where they feel is best for those homes. We have indicated the sites that we would like to see considered. Property Holdings will also need to make a consideration as to how they think that is best spread across the sites as well, but ...

Deputy J.H. Young:

Thank you for that. I am going to, if I may now, move on to H3, because obviously this is a big subject, this provision of homes. H3, again, could you confirm, Minister, that policy, although it was approved by the States, was effectively put on hold pending, I am not sure whether it is a working group or some subcommittee or other. Perhaps you could clarify what it was put on hold to do? Is there a group doing that?

The Minister for Planning and Environment:

Yes, there is a group. The group was convened by Senator Cohen shortly after the discussions and the debate on the Island Plan. I think it was some 17 States Members

who all indicated their willingness to sit on a small group in order to come forward with the redefinition of the terms for “affordability” and other issues.

Chief Executive Officer:

If I could just clarify? I think what would be normal in an H3 Policy where the States would have approved the policy in the Island Plan, we would then be allowed, as officers in the department, to produce a supplementary guidance as we would do every other bit of supplementary guidance. It was pretty clear. We had a couple of amendments to the Island Plan that warranted the supplementary guidance in effect brought back to the House before that policy came into effect, which is, to a certain extent, unique for the planning process, because that supplementary guidance does not come back to the House, normally. The States Members clearly felt that they wanted to see the detail of how the policy would work before the policy came into effect. So, we have agreed the principle of the policy, work is now underway, we have a draft supplementary guidance and a viability model; we are currently in pre-consultation with the industry on that. I think it is not surprising the industry has got one view and we have got another view. We will get a middle ground there as to how this policy will work in practice, and then it will come into effect after a States debate.

Deputy J.H. Young:

When do you think it will get to the States?

Chief Executive Officer:

We are hoping to lodge before the summer, so most of the work has now been done: S.P.G. and the viability model, that is currently with the industry. We have a meeting with early April with the industry again, construction councils, to talk about how it will work, so we hope to lodge our proposition in May.

Deputy J.H. Young:

The H3 Policy, if it is agreed, finally, can you confirm it will apply to all private housing sites in accordance with the criteria in the policy, over 6 units?

Chief Executive Officer:

Yes, it will.

Deputy J.H. Young:

And in the meantime, when you get applications on these sites, you are not applying the policy, presumably?

Chief Executive Officer:

It is a material consideration; however we do not have a mechanism to say how it would work, so the reality of the situation, pragmatically, if someone applies now for a site over 6, it is not being applied because we do not have that mechanism in place.

Deputy J.H. Young:

So they are going ahead with the Jersey Homebuyer? Or is the whole policy put on hold?

Chief Executive Officer:

Saying that, we are not seeing a huge amount of planning applications coming in for those sorts of size residential schemes in any case, because of the market conditions, but when that policy comes in, it will be looking at development either providing a commuted sum, or providing units on-site of an intermediate nature.

Deputy J.H. Young:

Thank you for that.

The Minister for Planning and Environment:

Specifically, though, the Homebuyer's Scheme cannot be applied at the moment.

Deputy J.H. Young:

No, but I suppose one clarification, the H3 Policy lists a whole different type of intermediate home housing, and it does not confine itself just to Jersey Homebuyer?

Chief Executive Officer:

No.

Deputy J.H. Young:

So, what I was trying to clarify is, if you get an application for a site that includes another type of intermediate housing, is that being done in this kind of impasse, or is the whole policy on ...

Chief Executive Officer:

Not at the moment, no. We are not asking for any privately-led sites. We are not asking for formal housing from those sites until this policy comes into effect.

Deputy J.H. Young:

Nothing? Okay, the whole thing is on hold.

The Deputy of St. Martin:

Could I just have one final question before we move away from those particular kinds of houses? Minister, you have indicated your top priority is affordable homes, and in the past you have mentioned a number of £200,000. Can I just ask how you are getting on with that, whether you are progressing in that direction?

The Minister for Planning and Environment:

Yes, interestingly enough, the Statistics Department is about to produce another one of their papers on the affordability of homes in the Island, and from what I have been told, and you can see from the report, it looks as if my position on what I consider to be true affordability is vindicated. The suggestion there is that only 23 per cent, or thereabouts, of persons within a particular sector would be unable to purchase units of accommodation, were they able to be supplied at £198,000. So, as far as I am concerned, that is pretty well bang on. The deliverability of these units is completely tied up with the sites and the plans that come forward from the Property Holdings company or from the Ministry for Treasury and Resources, or wherever, to build on Girls' College. Certainly, there is work that is being undertaken to assess the number of units that could be put on to that site, and I am pretty clear in my own mind from the calculations that I have done that that type of price mechanism and level is properly achievable.

[11:00]

The Deputy of St. Martin:

That is very clear, thank you very much.

Deputy J.H. Young:

If you have any extra questions on housing before I move on? I would like to change the subject completely, now. Thank you, Minister and Chief Executive Officer. The subject of Jersey architecture: obviously, we have all got personal preferences and views on this. Minister, would you like to tell us what your own personal architectural preferences are? Please tell us whether you like the Modernist glass and steel grand designs, or whether you like more traditional Jersey-style building?

The Minister for Planning and Environment:

I think it is probably wrong to ask me, because this is meat and drink to any planning decisions that I may be called upon to make, but I suppose I can comment up to a point. I quite like an eclectic mix, really. I think I am quite happy in some instances to go along with the modern forms of architecture which generally bring forward or have the potential to bring forward a greater freedom and organisation of the spaces within the buildings, which is something that perhaps the Planning Department has not necessarily centred on with previous incumbents. There are 3 grounds, if you like, to architecture, as far as I am concerned. There are the frontages of buildings, the facades, and that is generally the ones that get the most discussion as to the suitability or not. It is not at the top of my list, necessarily. I think what is more important is how the interiors function and are laid out for the residential uses that can be accommodated within those buildings. Then, more importantly, which is something I was referring to previously, about the masterplanning initiatives that we want, is the way that groups of buildings work together to provide communities and neighbourhoods, and I think those 2 areas have really been a little bit poor neighbours to the façade-ism approach of previous Ministers. That said I think there is a case for building in the old idioms and to use natural materials as far as possible for Jersey. To be fair, outside of areas that are proposed to be designated as conservation areas it is quite difficult to determine what it is we all mean by Jersey architecture. If we go back, as you have to for the historic record, pretty much all of the building that has taken place in the Island has come from outside of the Island and at some stage there were current fads and initiatives to change the windows away from French windows to Georgian sashes or whatever to uncover or to cover up raw granite frontages with concrete stucco work or whatever, false pointing, so I think for me the mixed approach is probably the better one while at the same time paying proper attention to those areas that merit one particular approach in design terms rather than another.

Deputy J.H. Young:

Would I be correct in summing up this way; your approach is you favour an eclectic mix but you do not see a Jersey style?

The Minister for Planning and Environment:

I would not go quite as far as that but I am saying we would all be challenged if we were honest to put our finger on what we think is the Jersey style.

Deputy J.H. Young:

Minister, your predecessor stated many, many times his entire priority was design. Would you agree that many people see that we have ended up with some designs being interpreted as being modernistic, grand designs, glass boxes dotted all over the Island?

The Minister for Planning and Environment:

For me it is not so much a case of the sculptural qualities of a building; it is how those buildings fit into the landscape. That is the more important point. You can have buildings that on their own do not have any particular merit but if they are put in a stunning landscape setting, you can in some ways tone down those imperfections and come up with a scheme that looks good. Equally if you do it in reverse you can end up with some other interesting arguments. It is a case of judgment as we all know but I think it would be wrong for any Minister for Planning and Environment to say that it just has to be pseudo-Jersey style farmhouses for housing estates and Georgian villas in town is the only format that can be accepted. I think there is room for modern architecture as long as the building pays some respect to its setting.

Deputy J.H. Young:

Do you employ an architect in the department to advise applicants?

The Minister for Planning and Environment:

We did have but I take all the advice now through the Architecture Commission.

Deputy J.H. Young:

My next question was going to be this; when an applicant approaches you with a site does your department give them architectural advice and say to applicants: "This is what we want to see on the site"?

Chief Executive Officer:

Most of the schemes we see coming forward here, bigger schemes, are led by architects in their own right that come with an architectural brief. We do not have our internal architect any more. There has been a saving there and we are doing things differently now with the Architecture Commission. We have planners in-house who have design qualifications and that is part of the planning process. They will not comment on the architectural style unless it rubs with the location. If it is a sort of style and design in urban development which does not sit happily with the site, then clearly our planners will get involved pre-application and say that it is not just appropriate for the location.

Deputy J.H. Young:

I will come back to that. You wanted to come in ...

The Deputy of St. Martin:

I just wanted to get back to the Jersey design and I could not agree more; there is granite, there is granite covered in cement; there are others. I am given to understand that you do not feel it necessary to try and come up with a Jersey design.

The Minister for Planning and Environment:

It is interesting. On previous Planning Committees that I have sat on we did raise it as an issue and suggested that as a programme of work but the nearest we managed to get to it was to try and pull out the massing ... if you look at what appeals with so-called Jersey farm buildings it is the way the buildings are rooted into the ground and the physical mass of the buildings. That is the important thing rather than the little details. I am not saying the details are not important, I think they are. But if you go back in history, think of all the arguments we have had over windows. If you go back far enough we did not have windows; we would have had holes and you would have had wooden transoms and mullions and things and a sack up at the window. I think there is validity for that in as much as saying it must all be the Georgian kind of tidied-up version as being the one that we are centred on.

The Connétable of St. John:

Over the last several years I have noticed the creep of the Percentage for Art. Will you be continuing that or given the climate we are in at the moment and the cost of building and the fees, which I understand are going up 100 per cent in relation to charges, can it be fair to the public to be expected to put additional monies aside for the Percentage for Art or whatever the Minister of the day wants it for, maybe for the environment or whatever else, other than what is being applied for?

The Minister for Planning and Environment:

I have been approached by Education and a number of other parties, private bodies as well, suggesting that perhaps the Percentage for Art scheme should be widened to encourage the provision of monies for a percentage for culture or a percentage for sport or percentage for environment and I think there are strong reasons for moving in that direction. I am considering it at the moment.

The Connétable of St. John:

Would you be disposed to bring a change in policy to the States? Is that necessary to put that into action?

Chief Executive Officer:

What we need to be careful of is any development gain has to be linked to the development. Development creates impact. All forms of development create an impact and the argument of planning gain is to mitigate against some of those impacts. So there is a firm basis in law as to what we can ask for. It has to be directly linked to the development concerned. I do think it is worth looking at a piece of work we have in the Island Plan as a piece of supplementary guidance about development gain, infrastructure tariffs, whatever it may be but planning gain as a whole is not widely applied in the Island. We do have developments being built which do create an impact on our community and I think it is the right question to ask. Are those developments mitigating their impact? There are educational pressures; there are community pressures and pressures on our green infrastructure from every development so it is a piece of work we do need to look at, how we develop our planning obligations. To some extent affordable housing is in the vanguard of that, getting affordable housing a result of private development is the first and biggest step forward in that area.

Deputy J.H. Young:

Does that require new S.P.G.s to get this done?

Chief Executive Officer:

It would do, yes.

Deputy J.H. Young:

So we are in the same arena.

Chief Executive Officer:

Yes.

Deputy J.H. Young:

I wonder if I could just go back and clear up this question of the Architectural Commission. You told us you do not have an architect any more. You use the Commission. Can you just sum up briefly how you use the Commission? Do you refer applications to them? Do you have meetings with them to discuss architectural policy and advice for planners? How does it work?

Chief Executive Officer:

Yes, we do refer applications to them. We tend to refer the bigger applications, those with the bigger impacts, to the Architectural Commission. That is something we refer to them. It has been place now about 18 months. It is now working. We have had a couple of seminars from Architectural Commission members with planners. I think we could do more of that in terms of what is good architecture; that sort of proactive side of their work. They are reactive when we give them something to look at; they look at it. We also want to develop their work with developers so that developers can commission them directly and say: "We have some ideas here. What do you think, Commission, please?" a bit like the C.A.B.E. (Commission for Architecture and the Built Environment) version when C.A.B.E. used to exist in the U.K. either the local authority could commission something with C.A.B.E. or developers could commission some work with them directly. That is generally how it works. At the moment we refer things to them; they meet 6 to 8 times a year to give us that advice formally that has been prepared and we get a copy and the developer gets a copy.

Deputy J.H. Young:

The membership - how did you choose them?

Chief Executive Officer:

It was through advertisements. I am dragging my memory, some 2; 2 and a half years ago we advertised both in-Island and off-Island. We have a balance of membership with local practising architects here but also, importantly, we need external architects to give that balance and also to avoid conflicts of interest. The chairman is based locally. We have 2 other practising U.K. architects on the panel, one of which is the Professor of Architecture at Cambridge. We also have practising U.K. architects on there. So there was that advertisement, application. We interviewed a number of potential candidates and we then got our panel of 6 or 7.

Deputy J.H. Young:

And the terms of their appointments? When do they run out?

Chief Executive Officer:

There are terms. They run out. The Chairman is 3 years; the other panel members are 2 years.

Deputy J.H. Young:

So are you due to look again at the makeup of that Commission?

Chief Executive Officer:

Yes. Earlier this year the Minister renewed panel memberships as a result of us looking at the panel and how it has been operating. So they have been renewed.

Deputy J.H. Young:

Is the departmental architect a member of that panel?

Chief Executive Officer:

We no longer have one.

Deputy J.H. Young:

The former one.

Chief Executive Officer:

We have only ever had 2. Both former architects are now members of the panel.

Deputy J.H. Young:

Did they apply?

Chief Executive Officer:

Yes. They did. The first one applied in our big advertisement and the second one applied on leaving the department.

Deputy J.H. Young:

Are you satisfied that gives you sufficient independence of architectural advice?

Chief Executive Officer:

We always make sure that we have a U.K. based architect on there as well. The panel as constituted normally has a U.K. sitting architect; the chairman and a local practising architect. Clearly we do not allow architects practising here to sit on schemes which they could be conflicted on. That is managed quite carefully.

Deputy J.H. Young:

I assume they are honorary positions.

Chief Executive Officer:

Yes. We pay expenses only, for the travel and so on, but they do not get paid apart from that.

Deputy J.H. Young:

Thank you very much for that. I wonder if we could move to energy policy.

The Deputy of St. Martin:

Maybe I will kick off by saying, Minister, you have highlighted it as your second big priority. Could you elaborate on where we are with the new policy?

The Minister for Planning and Environment:

Yes. I came into this when I was given the job last June, July, when Freddie stepped down.

[11:15]

Basically there had been a political steering group that had not really met to oversee the process and I was not really happy with the report as it stood because, in my view, although it was strategy that is designed to deliver over a very long period of time, some 30 years, I did not think it had enough bite to be in a position even after those 30 years of being able to deliver what the Island has signed up to deliver. So I asked for it to be redrafted, and that process has been undertaken since last July.

The Deputy of St. Martin:

And the progress is ... Have you got a conclusion?

The Minister for Planning and Environment:

Yes. In essence what I am trying to do is say in line with other jurisdictions, there have to be some break points. If you have a 30-year strategy and it is pretty much long-term, that goes across many different periods of ownership, if you like, of individual politicians then there has to be enough in it in order to be able to say here is something we can do for this particular 3-year period or if we move to the States for 4 years or whatever, there are realistic break points at which you can measure your progress towards the ultimate aim. That is in essence the biggest fundamental change I have put into the document. The second thing is the extent to which the emphasis is being beefed up in order to try and encourage behavioural changes which will move away from indiscriminate wasteful use of energy so we can appreciate the value and more importantly to consider whether or not there is opportunities for the Island to move away from a central provision of energy as being the only way that we deliver energy into the home and perhaps whether or not a move towards creating individual autonomous units as far as is possible with residential homes or businesses is the better way forward. Certainly from the stuff that I am seeing at the moment coming through, not only from other jurisdictions but different conferences and things, the thinking is that people are suggesting that if, for example, there is an opportunity for a residential unit to have solar thermal panels or whatever to look after a percentage of their heating bills, heating demands, or you can put photovoltaic panels again to run your electrical goods, non-heavy electrical loading, then that is the better way to go forward rather than committing the Island through any of its Island businesses into importing electricity from other sources outside the Island.

The Deputy of St. Martin:

Do you see funding as a particular hurdle to that?

The Minister for Planning and Environment:

Funding, it depends on how you do it. At the end of the day I must admit I am not particularly wedded to the idea that the States should automatically only encourage things if they are going to use taxpayers' money by way of subsidy. I think there are

sharper, cleverer ideas that you can apply in order to encourage the take up of these items which lead to a behavioural change in a slightly different fashion that does not necessarily require you to expend huge chunks of cash from the taxpayer. The other thing that is exercising my mind at the moment is that any particular strategy has to be firmly rooted into a funding programme. There is not much point in suggesting ways forward when the Treasury or the other departments in charge of the funding would not give you the money to do it. You have to be realistic in your approach.

The Deputy of St. Martin:

In the same way that the Treasury have agreed to take a lower dividend from Jersey Telecom in exchange for gigabit and other suggestions with potentially the Post Office for fulfilment and other things like that? Would you consider that the Treasury Minister should be asking the J.E.C. (Jersey Electric Company) to potentially for argument's sake increase the amount of money paid for electricity that is returned to the Jersey grid?

The Minister for Planning and Environment:

By way of feed-in tariffs?

The Deputy of St. Martin:

Yes. If for example a landowner put up a windmill and put the money back in?

The Minister for Planning and Environment:

I do not think that is the way forward. I think the better way forward is to encourage individuals who are in a particularly energy dense area who are capable of generating more energy than they need for themselves to amalgamate their resources with perhaps their next door neighbours. For example small housing estates or whatever banding together and getting a project to service the needs of that housing estate as being the main prime function of the energy policy work that they are wanting to commission rather than going down the route that the U.K. have gone down and since withdrawn the subsidies from because they had to encourage the early take up of the technology and once these things mature then you get into different funding streams. The key thing is not to be running electricity generation units from your own houses. It is to be using energy in a wiser form and if you can get something for relatively little expenditure to seek to do that.

Deputy J.H. Young:

Who is in the lead in this work? You are, obviously, Minister. And you have a group of people working on this, have you?

The Minister for Planning and Environment:

We have ...

Chief Executive Officer:

A group being 2.

The Minister for Planning and Environment:

Yes. We do.

The Deputy of St. Martin:

Can I ask about that?

Chief Executive Officer:

The energy policy is led by our Director of Environment Policy. She is based up at Howard Davis Park. She has a team of 1.7 people, including herself.

Deputy J.H. Young:

And they are working on the policy? The policies that you have been replying to Deputy Luce on are being worked on?

The Minister for Planning and Environment:

Yes. The interesting thing is that if you look round the world, Sweden is a particularly good case in point, as is the Isle of Wight, and we are drawing on those documents as is Scotland. In all of those instances the policy is not just to go out and find ways to generate electricity in order to export it as a product. It is to radically change people's perceptions as to why they use energy, how they use it and to try and get them to adopt a lifestyle that is more sustainable and more measured in those approaches.

Deputy J.H. Young:

I wonder if I could bring you in.

The Connétable of St. John:

Could you give us details of your Commission and are they suitably balanced given we are aware that the Connétable of Grouville looked after what was originally supposed to be water power. Can you give us an overview of exactly what the Commission does; who the membership is and is Mr. Bloomfield still involved?

The Minister for Planning and Environment:

The Commission at the moment is probably going to be reviewed. I have some 14 or 15 different quango groups set up over the last who knows how many years. There is an exercise that is being undertaken by the Chief Executive at the moment in order to rationalise those groups down to a substantially smaller number. At the moment there is obviously discussion, maybe worried discussion, on behalf of some of the members of those panels as to whether or not they remain in a job or if there is still a job for them to do but perhaps within a different group. We are not quite there yet as to what is going to happen with the Energy Commission. There is talk at the moment with the Energy Commission that they become completely independent but as with any of these bodies, if we put our cards on the table, a lot of these bodies just want to be funded by taxpayers' money and allowed to go off and spend it, and I don't think that's sensible.

Deputy J.H. Young:

So you grant aid these groups do you, you meet these costs?

The Minister for Planning and Environment:

We do and go to even further expenditure and are using the officers of our department to service the admin needs in part.

Deputy J.H. Young:

How much does it cost us, this Environment Commission?

Chief Executive Officer:

With the Renewable Energy Commission we do not pay for their time in attending. The biggest cost is officer time in servicing the panels. As the Minister outlined, we have about 14 ministerial advisory groups that have been set up in the previous past. We are currently reviewing all of those 14 groups because what we need to do in our medium-term plan is assess where we need external advice or not. We have the view that a lot of these groups tend to use the same officers. We are sending the same 2 or 3 officers to 10 of these groups and it takes a lot of our time up.

Deputy J.H. Young:

Do we have a report of what they have produced?

Chief Executive Officer:

The Renewable Energy Commission, yes. It was formerly the Tidal Power Commission. We have had 2 reports from them that have been tabled. They are due to finish their final work by 2013, so this year. That is where we are focusing on the resources available and the ownership of the seabed issue has been one of the issues around the tidal energy work.

Deputy J.H. Young:

Are these reports published?

Chief Executive Officer:

They have been, yes. I can get the panel a copy of these.

The Connétable of St. John:

Could you give us more information on that because we have just seen last week the Connétable of Grouville being put on to the British-Irish Council with a view to renewables, et cetera. Now when I came back into the House in 2008, he was already supposed to be doing the Tidal Commission. While we have had a couple of small reports, there are cost implications here. Can we see the funding that has been spent and how much time is being put into this because for what we are getting, to me in the time that I have been back, I do not seem to see a great deal of moving forward. We hear the odd little whisper across the Chamber that so-and-so is happening but I do not hear it from the Minister. I hear it from the Connétable of Grouville but he just mentions 3 or 4 lines and then sits down. It would be useful if we had a proper report in my view from the Minister in the Chamber.

The Minister for Planning and Environment:

This is one of the reasons for reviewing the groups. I said when I came into the job that I would like to have a greater input into the energy policy particularly on the renewable side and I agree with you. I do not think that can be done necessarily as well through other Members at arm's length.

Deputy J.H. Young:

So you are going to change that?

The Minister for Planning and Environment:

Yes.

Chief Executive Officer:

We are currently looking at about 14 advisory groups running currently. We are aiming to rationalise those; reduce their numbers substantially, probably down to 4 or 5.

The Deputy of St. Martin:

On tidal energy, Minister, I think the Constable of Grouville will be quite clear in his view that he would not want to get involved until the technology is properly in place. My view would be the opposite; that we should be getting involved with the development of the technology. Can I ask where you would sit on that?

The Minister for Planning and Environment:

I tend to agree. I think that in particular for Jersey's marine tidal resources we are not necessarily going to be employing the same type of kit as Alderney is suggesting to employ or indeed Guernsey. Both of those jurisdictions have narrow channels and faster flow rates through those channels. We have a wider sweep, particularly to the south of the Island through to France, and that necessarily requires us to engage in looking at different technology to support the commercialisation and exploitation of that resource.

Deputy J.H. Young:

We hear, Minister, that there is some agreement between Jersey, Guernsey and Sark or something. Will you be party to those agreements?

The Minister for Planning and Environment:

I signed it a couple of weeks ago. I took the Constable of Grouville along with me and the indication was that the islands have been given encouragement through the British-Irish Council to work together as far as possible because in dealing with some of the commercial exploitations of the technology there is obviously advantages in terms of scale and economy if you have bigger blocks working together. That said, we did find ourselves in the odd situation that Alderney have gone ahead on their own; Guernsey although they did invest I think it was £4 million in the Alderney renewables enterprise, have not really done much more than that. The whole thing that will lead the discussion is the extent to which you can properly harvest the type of resource that you have and in energy terms if you just look at the flow rates, the kinetic energy is proportional among other things to the cube of the velocity of the waters flowing through it. If you have 5 metres per second waters, that brings you up to a factor of 125. Our waters are running at around about 2 metres per second in the best places although there are technological methods for increasing that with something called shrouded turbines which are based on the venturi effect and funnel the water through artificial channels but at 2 metres per second our factor is 8. So you have got 125 against 8 so any commercial exploitation obviously is going to go to Alderney first and then probably Guernsey second and then Jersey third.

[11:30]

Deputy J.H. Young:

Minister, if I could probably finish up. Your target date to get this policy document done; please can you tell us when that is?

Chief Executive Officer:

Do you want me to do it? We are aiming for public consultation on the White Paper in quarter 2, so before the summer. Consultation and then into the States for a debate by the end of the year.

Deputy J.H. Young:

Even if you cannot clear up everything, will you consider some kind of interim report?

Chief Executive Officer:

Yes. The White Paper itself covers a lot of energy works, as the Minister has outlined. There is a lot of stuff about demand management and how we use our resources as well as about issues around security of supply issues for the Island - we are after all at the end of a plug at the moment - as well as the creation of energy and the environmental benefits of the creation of energy. So it looks at a range of policies. I would describe it as an umbrella policy. There is a number of detailed workstreams that would then sit under that.

Deputy J.H. Young:

Are you satisfied that those dates, that target, are achievable?

Chief Executive Officer:

It is looking good so far, yes.

Deputy J.H. Young:

Do any of you ...

The Connétable of St. John:

Just one thing when you are looking at your various energies: geothermal. Given we have hotspots on the Island, in Rozel and St. Lawrence and those sorts of places, is any work being done in that area?

The Minister for Planning and Environment:

Limited work, not a great deal.

The Connétable of St. John:

Because there must be an opportunity to have deep bore holes where we can drive small steam turbines.

Chief Executive Officer:

I think the energy policy to a certain extent is enabling. It certainly will not turn the tap off on any energy supply. I think there is an ability there for private sector providers, whether it be the J.E.C. or other energy providers or infrastructure to be looking at this and selling it as a product. The energy policy will allow and be quite flexible on what comes forward, whether it be gas, oil. Less oil, obviously: we are trying to back out of the carbon fuels. But I think it is enabling anything to come forward really.

Deputy J.H. Young:

I think at that point we could move on to heritage buildings and sites of special interest. I think my colleagues are going to lead on this. I think Phil is going to start off.

The Connétable of St. John:

Yes. Does the department still manage a list other than ... historically, you had a number of hard copy lists of historic buildings and the like which have moved on from one list, from S.S.I.s (sites of special interest) to B.L.I.s (buildings of local interest), et cetera.

The Minister for Planning and Environment:

Yes.

The Connétable of St. John:

We were told by your predecessor Minister that he was going to be looking at this in depth and coming up with alternatives. Historically, were the lists done with the owners' consent? If not, why not?

Chief Executive Officer:

Okay. Putting a building on the list is not always with the owner's consent. If we feel a building warrants a listing because of its heritage value, then a notice of intent will be issued to the owner. It will be surveyed. A notice of intent gets issued. The owner has the ability to make representations as to whether they agree or not, and then there is a decision thereafter. As you would expect, there are some owners who feel that having a heritage designation is an unfair restriction. There are some who like it. But after all, the basis of the decision is not so much whether the owner likes it or not, it is whether that building is worthy of preservation or not. So, in many respects some say: "Yes, great, I would love to own a listed building." Some say: "I do not want to own a listed building. Why are you trying to bring the weight of the state down on me?" sort of thing.

The Connétable of St. John:

How do you survey a building if an owner is not in agreement?

Chief Executive Officer:

I am not aware of any circumstances where we have not been allowed to go in. Certainly, under the resurvey, the resurvey is pretty much now complete of our existing heritage assets. I think all buildings ... we are coming to the end of that work. That should all finish by ... just look at the dates ...

The Connétable of St. John:

That is internal and external surveys?

Chief Executive Officer:

Yes, by the end of quarter 3 this year all of the resurvey of existing assets will have been done. That is about 3,500 buildings.

The Deputy of St. Martin:

Will all the owners of buildings on that list be notified at that time?

Chief Executive Officer:

Well, they have all been notified as we have been going round the Island in phases, so they had all been notified that a resurvey is going to be taking place. So, yes, they have all been included within that notification. The surveyor then comes out, has a look, and does the necessary ...

The Deputy of St. Martin:

Will that new list be available publicly?

Chief Executive Officer:

It will indeed, yes. We have 2 phases of this work: looking at the existing buildings that we have on the list to see whether they are still ... some buildings will come off the list. Some buildings will stay. So that is the first phase, looking at everything that is currently there that we know about. There are also a number of buildings in the Island which are not currently on the list and that is about potential heritage assets and whether we should be adding any more in. That work is currently being scoped and that will be finished by the end of the year as well. So by the end of this year we will have a completed list of ... well, everything has been resurveyed, everything will then be, if you like, allocated to one of the grading bands, grade 1 down to 4. So we will move away from B.L.I.s, S.S.I.s, et cetera. You will then get a number and that list will be made available. We are hoping to not only make the list available in list form but through the mapping system online you will be able to look geographically, look at an area and it will pop up which trees are listed, which buildings are listed, planning histories, that sort of thing.

The Deputy of St. Martin:

This new listing will have a number of different categories of which buildings ...

Chief Executive Officer:

Yes, it will, yes. We have grades 1 to 4, a listed building or place, and I have a brief description but basically grade 1 buildings are more important, grade 4 will be less important.

Deputy J.H. Young:

But can I just come in there? The law sets out a requirement for a list or register of sites of special interest. These grades that you are assigning, will that affect the degree of restrictions that you impose upon the owners of those buildings?

Chief Executive Officer:

Yes, it will, yes. Grade 1 will be a higher restriction, grade 4 will be less of a restriction so you can do more with them.

The Deputy of St. Martin:

If I could follow on, Chairman, from that, and we touched on it briefly about the maintenance of the countryside or the buildings, the fields, hedges, walls. There is an order in here that says that applications on listed buildings will be exempt from fees. Is that something that we are going to implement shortly?

Chief Executive Officer:

We have exempted listing building fees on those which would normally be permitted development. So if it is normally permitted development if it was not listed, we now do not charge listed buildings if it would have been P.D. (permitted development), if it would have been not listed, if you understand what I am saying. We will still charge for things which are required for development. If it requires planning permission obviously it will still ...

The Deputy of St. Martin:

Okay. If I could follow on - Minister, specifically a question for you here - where you have a family or a person, individual, who inherits or for whatever reason ends up with a grade 1 or grade 2 listed building who cannot physically afford to maintain it in the way that they have to by order of your department, how do we get over that issue or how do we cope with that issue?

The Minister for Planning and Environment:

I am not sure we do, to be blunt.

The Deputy of St. Martin:

Do we, therefore, let the building fall down because it cannot be maintained in the way you ...?

The Minister for Planning and Environment:

I think this is one of the drawbacks of the scheme. It is fine to kind of list the buildings and have an intention that they shall be kept in tiptop condition, but I think equally, and although it is something that we did have previously, we have lost a huge chunk of monies to assist in those maintenance functions that people cannot otherwise afford. The monies I think are down to ...

Chief Executive Officer:

Zero.

The Minister for Planning and Environment:

Zero, there you go. Even then, at the height of it, it was only £100,000 for over 4,500 houses, which is ridiculous. So I think there is more of an ethical kind of dimension to this policy that we have not really addressed as to whether or not it is right for a state or government to impose restrictions on what you can or cannot do with your own property on the one hand, and on the other hand not use taxpayers' money in order to assist in that process.

The Connétable of St. John:

Therefore, Minister, you would look sympathetically on the case that has just been explained by my colleague here on somebody who inherits a house, does not have the funding to do the necessary repairs to the standard that an S.S.I. would be requiring? You would look favourably on doing them the best they could?

The Minister for Planning and Environment:

Well, yes, absolutely right, but you could only do what you are able to do within the funds that have been allocated. So although the principle is probably well founded, in

Jersey in particular we do not have the monies to really assist to any great degree so it raises in my mind whether or not the policy is the best one.

Deputy J.H. Young:

Minister, do you not have control over that? We have heard from the Chief Executive Officer that by putting people on this list you are going to assign grades 1 to 4 and there is going to be a list that says: "These are the things you cannot do." Presumably, you as Minister can decide what are those things people cannot do?

The Minister for Planning and Environment:

Yes, I can do but in making the decisions, the best decisions are only going to be those that are based on policy and are, in a sense, repeatable. So I think it would be grossly unfair to make exceptions to policy on ad hoc grounds...

Deputy J.H. Young:

No, but, Minister, I was ...

The Minister for Planning and Environment:

... when the majority of people ...

Deputy J.H. Young:

I was suggesting ... I am just going to clarify my question, if I may. I was suggesting that you have the call on the policy. You can set the policies, Minister, which are appropriate and that is, I think, related to the sub-question I have in mind that when people are notified that they are going to go on a list, are they being made aware of the level of restrictions that are going to be applied on the grades 1 to 4 so that they can make an informed decision whether they agree or not?

The Minister for Planning and Environment:

I think they are but what has not happened is I do not think there has been a follow-up debate in the House to suggest whether or not the States in supporting this policy should be looking to release cash funds in order to assist in those maintenance jobs. It is something that has conveniently been brushed under the carpet.

Deputy J.H. Young:

Minister, I may have missed something. Are those restrictions specified in a policy in the Island Plan?

Chief Executive Officer:

There are policies to protect historic buildings in the Island Plan and we are also signatory to international conventions on preservation of our heritage assets. So if you own a building that will be grade 1, 2, 3, 4, you can still do things with it. The principle is we are trying to protect the heritage value of that building. It does not stop you refurbishing your grade 1 building. You just need to protect the things that have heritage value within that building.

The Connétable of St. John:

Therefore, it does prevent you from doing what you want with the building?

Chief Executive Officer:

Well, it does, yes. I think ...

The Connétable of St. John:

If you are limited on your funding and you have to put cast iron gutters, for instance, when you could have put an aluminium gutter at a quarter of the price or 10 per cent of the price ...

Chief Executive Officer:

That is a fact, yes. I think ...

The Connétable of St. John:

So, therefore, it does impede on the ...

Chief Executive Officer:

Owning and living in a listed building does bring responsibilities to the owner and occupier.

The Connétable of St. John:

But surely it brings responsibilities, does it not, Minister, to the people who are implementing this law, i.e. the States of Jersey?

Chief Executive Officer:

It is a matter for policy.

The Minister for Planning and Environment:

I think it probably does. As I said earlier, it is something that other Ministers have not brought back to the House and perhaps we should. But in doing that, we have to take into account the other calls on any funding for taxpayers' monies, and I am not sure that even if we came back to the House we would get fairly short shrift from those who think that perhaps the priority for spend is better on health services or education and we would be fairly low down the list.

Deputy J.H. Young:

Are you saying, Minister, you would like to see a review of this policy?

The Minister for Planning and Environment:

Well, there are 2 ways round it. The £100,000 or thereabouts to provide some assistance towards maintenance bills was a step in the right direction. We have nothing now. Equally, it could be said that there is still an element of work that could be undertaken in terms of the restoration of these historic buildings and perhaps there are business opportunities for allowing some of our youngsters to set up businesses that exclusively concentrate on putting back the things that we consider to be worth repairing. At the moment, we do not have, as far as I am aware, window companies set up to provide a wooden window repair service. That may be able to find funding through Economic Development. Certainly, I would have thought for some of our youngsters who are interested in carpentry and are also interested in historic buildings, there is a business opportunity there just waiting to happen. Maybe that would be a better way rather than just coming back and saying: "Let us find £10 million in kitty monies to allow all of these historic buildings to be maintained in the state that we want them to be kept."

The Deputy of St. Martin:

Chairman, I do have to go, but if I could just ask one specific question seeing as we are talking about windows, and it is quite a detailed one. Given the commitment to energy saving, et cetera, can we look forward to a change in the specific policy about wooden sash windows in listed buildings where they will be allowed to be double glazed instead of single glazed?

[11:45]

The Minister for Planning and Environment:

It is interesting, yes. You might well be able to get that. I was at the building research establishment in Watford a couple of months back and there is a new product that has just been put on to the market by Pilkington Glass. Specifically, it enables the double glazing to take place within existing wood sash windows and there are little graphite beads that provide the space in between the 2 panes of glass. It has been adopted by the heritage authorities in the U.K. as being acceptable for historic buildings. When I came back from the visit I have given the details to the department and maybe that is something that we could introduce over here.

The Deputy of St. Martin:

Could I apologise again for having to leave but I have ...

The Connétable of St. John:

While we are on the element of windows, Minister, can it be right that we are insisting through the planning process that historic buildings have to have, shall we say, like for like windows at a cost of, shall we say, the figure may be £1,200 per unit when one made in alternative materials with a lifespan of probably 4 or 5 times longer than the materials we get today, i.e. the timbers we get today, at two-thirds of the cost? Can it be right to put the owners of these historic buildings to that kind of expense?

The Minister for Planning and Environment:

That is a leading question if ever I heard one. I think it probably is up to a point or otherwise the policies that we have put forward for adoption by the Assembly would not have been adopted.

Chief Executive Officer:

Yes, I think if it is not right we would see the dilution of the heritage value of our buildings and, therefore, the buildings would no longer be of heritage value. I think if a building is listed because of its fenestration, its windows, how it looks, to then put in white uPVC windows which may be cheaper could really affect that. I think there are a number of products now available. We would be looking at making sure that the products sit happily within its listing so that it does not dilute its heritage value.

The Connétable of St. John:

That is not what I said. I asked the question of alternatives identical in appearance so, therefore, I am not talking about white PVC windows, but if you can get alternative materials which are out there to do what is ... and I am not talking about a Disney World type appearance. If I have a sash window that is in there at the moment but it has to be made of timber, which as we know because I have a number of timber

windows, the life of them, 25 years, 20 years, even with proper maintenance, you have scarfing to do and various other things. If you can use alternative materials which have low maintenance, are two-thirds of the cost, surely in this day and age we must be looking at the alternatives? We are not detracting from the appearance of the building, but it is making life easier for ...

Chief Executive Officer:

I think you are right, it would depend on the product and the building it is going into. I think we would have to look at each case and say: "Does what is being proposed here affect its heritage value or not?" If a cheaper, more modern, different technology solution can be applied, then, as the Minister said, products in this area are catching up so I think we need to look at each one on its merits.

The Minister for Planning and Environment:

There is another issue, though, which is a bit of an odd one. If you have, for the sake of argument, a brick around a reveal or whatever that has shattered and has been weathered or whatever, should you seek, because that was the brick that was placed there in the building when they built it, to repair that brick as much as possible with the techniques that applied when they made that brick 100 years ago or whatever? Or should you accept that any old brick, as long as it is made out of clay or whatever to a suitable specification, is capable of being a replacement for removal of that other one? I think there is a big argument along there to say, well, if you do replace bits and pieces in buildings with modern materials are you killing off the historic aspect of that building, you know, death by 1,000 cuts, and how many bricks do you have to remove and replace before you have watered down the historic aspect of that building to a level that is no longer as significant as it would have been had it not needed repairing in the first place?

The Connétable of St. John:

But surely on that, Minister, you would identify the areas concerned. That would stand out by using a modern material, but you are still keeping the historical bit that you wanted. Because something is totally decayed and needs replacing and you cannot get like for like, therefore you would make sure that ... you would see within that part of the building, yes, that has been replaced in 2012 because that is the material we have, but all the remainder stays. Surely there are commonsense ways of doing things.

The Minister for Planning and Environment:

I think it is, but one last example of that is if you go along to the Natural History Museum you have dinosaur bones or whatever. You do not have the whole skeleton, you have the bits and pieces that have been found and then you have other pieces to complete the whole assembly. I think there is a validity of that approach inasmuch as only putting things on show if you have the whole skeleton.

Deputy J.H. Young:

Can I come in there? Who makes those decisions, those judgments? I think you explained very well or very comprehensively what the choices are and what the issues are, but who makes those decisions at the moment?

Chief Executive Officer:

Decisions on specific developments will be advised by our historic buildings team. There are 2 officers there within the department. Decisions, we use the Jersey Heritage Trust to do wider survey work. They look at the survey work and we have a service level agreement running with them on an annual basis to give us heritage advice.

Deputy J.H. Young:

Are they instructed to make those judgments on that sort of balance of issues that you have just had in the exchange between the Connétable and the Minister?

Chief Executive Officer:

Yes, ultimately the rule they use is around does this affect the heritage value of the building or not, and that is really the ...

Deputy J.H. Young:

Is their judgment the last say in that?

The Minister for Planning and Environment:

No, it is advice that is given.

Chief Executive Officer:

Yes, ultimately the judgment sits with the decision maker, which is the department and ultimately the Minister.

Deputy J.H. Young:

You are satisfied that there is sufficient objectivity there in those judgments?

Chief Executive Officer:

It is a difficult balance, I would admit that. We have a number of things in play in the planning process, the development process. Heritage consultation will be one of those. There will be community benefits, there will be other factors in play as well. Most planning decisions are on balance, but again it does depend on the site. If we are talking about a very valued listed building which has high value because ... and windows, for instance, are a part of that value, then clearly we would need to apply a different rule set than something which is of less value which you could possibly get away with a different sort of product.

Deputy J.H. Young:

I suppose, in a nutshell, are your historic building officers following what you might call a purist approach irrespective or are they following a pragmatic process, making the kind of evaluations that the Minister and the Connétable discussed?

The Minister for Planning and Environment:

I may be wrong but I think they generally come from a purist approach.

Deputy J.H. Young:

Is that something you are going to allow to continue, Minister?

The Minister for Planning and Environment:

Well, I think it is right that it continues because it is there as an advice. It is not like an historic veto or whatever. If a purist advice comes forward and it means that you cannot do anything, it does not mean to say that a decision cannot be such that you have to follow that advice. You have to weigh up the relevance of that advice against anything else.

Deputy J.H. Young:

Will you give guidance to your planning officers that this is the approach that you wish to see adopted?

The Minister for Planning and Environment:

The other thing, just to open it up even wider, is that there are some kind of arbitrary subtleties in terms of how close you retain the interior, the interior decorations or whatever, to the extent that it pushes people into only being able to enjoy those interior spaces if they are dressed up in their Victorian costumes and back to the old gas lamps and sleeping with a bed warmer in their bed and 4-poster beds and all the rest of it. I think society has got to a point where we, correctly in my view, respect and appreciate the historic elements of those buildings that we are putting on our lists but at the same time you have to allow an element of reasonability to creep in to allow people to accept living conditions within that building that are more in tune with modern living.

Deputy J.H. Young:

Are you satisfied the planning policies that the States have approved reflects what you have just said?

The Minister for Planning and Environment:

Well, I think in some cases it does and in other cases it does not, which is the arbitrary nature of the decision-making process in this respect.

Deputy J.H. Young:

But will you as Minister agree to have a look at that and see what you can do to make that clearer?

The Minister for Planning and Environment:

For example, if you were going to apply it too rigorously, you would come into a place and you would say: "You cannot have your electric lights because when this building was built they did not have electricity, so put the gas lamps back and draw the shutters." That is unreasonable.

The Connétable of St. John:

Can I come back in? Are you happy with the make-up of so much power being given to the Heritage Trust in this? Why I put the question, they themselves had heritage equipment, for want of a better word, albeit not stationary equipment, and I am talking about the DUKWs at Elizabeth Castle. They threw away or got rid of a perfectly good system of moving people from the shore to the castle in the old military DUKWs that have been converted and replaced them with £500,000 worth of equipment which is not fit for purpose. Are you happy that these people who are supposed to be heritage people, if they could not look after their own affairs in a certain way, are they the right people to be advising you? Having sat on that

committee myself, I have to ask the question are they the right people to be advising you?

The Minister for Planning and Environment:

Well, I think they probably are the right people to be advising me, but it is just advice. That is the first point. The second thing is that in any organisation you always get instances where people do not always practise what they preach. Although it must be right to say that they should do in all instances, we are all human and fallible and there are occasions where we break the rules that we are trying to enforce.

Chief Executive Officer:

All I will say, they give us advice on heritage value of buildings and not on the question of capital assets ...

The Connétable of St. John:

I appreciate that, but that is why ... that was somewhat tongue in cheek, but getting back to the actual issues concerned, is it policy for officers when a planning application comes in and a building is not an S.S.I. or B.L.I., a listed building of any sort, if they consider that that building should be an S.S.I. or B.L.I. they put it on your list and any building application that goes in it, that is applied to that building?

Chief Executive Officer:

No, the planning officer will judge any application on what it is at the moment. Some of the proactive work we have, it comes back to this resurvey. We have a current list of listed buildings. It is not the planning officer's call to say: "I think this should be listed" or not. I think that is something which sits with our heritage team, and ultimately with the resurvey work there are some buildings out there which should be listed and they are not currently listed. We currently have listed buildings which arguably should not be listed, so ultimately the planning officer's judgment will have to be ... well, it is on the policies and the set-up at that time. That is ...

The Connétable of St. John:

The reason I put the question, there has just been a fire at a property I know of in my neck of the woods and somebody has been up and told the owner of the property: "Oh, this is not a listed building? This should be listed. We want to do this as a listed building." The person concerned is not at all happy. Now, I am not saying it was a member of your staff, but that has got back to me and it is of concern that ...

Chief Executive Officer:

Yes. If I was advising the property owner, I would say: "Well, your building is not listed, it has to be treated as it is not listed, it is as simple as that." That is the position under the law. It is not listed; any planning application will have to be treated ... it has to be judged against its status at that time. I am not saying it would not become listed at some point, I do not know the building, it may well have some heritage value. But the planning officer has to take that status as it is now. So, while they may have given a personal view that: "I think this is ..." the fact is if you are the owner of that building and if I was their planning adviser I would say: "Well, that is not grounds for making the planning decision. It is not listed, it has to be done on that basis."

Deputy J.H. Young:

I think now we have given that a good covering, thank you for that. I would like to move now to the question of performance standards of the department, again on development control. Obviously, the U.K. has national performance indicators and targets and I understand those to be, if I am correct, major applications to be dealt within 13 weeks, minor applications to be dealt with in 8 weeks. Do we have equivalent targets being applied and do you do quarterly reports against those performance targets?

Chief Executive Officer:

Yes to both of those. We have now the same targets, majors within 13 weeks and minors within 8 weeks. Where we do differ from the U.K. is our definition of a major application. A U.K. definition of a major application is 1,000 square feet, I think, or it may be square metres, and 10 dwellings.

[12:00]

Clearly, in the Jersey context we would create ... we think major applications are a lower level than that, one or 2 dwellings sometimes are a major application for areas. So while we have different definitions of what is a major and a minor, we do now have a 13-week and an 8-week target that applies. Our target is that we are seeking on the minors 95 per cent, if not 100 per cent, of applications through that process, but certainly 95 per cent, and 90 per cent of majors within 13 weeks.

Deputy J.H. Young:

So 95 per cent in 8 weeks?

Chief Executive Officer:

Yes, minors.

Deputy J.H. Young:

Ninety per cent in 13 weeks?

Chief Executive Officer:

Yes. There are always going to be some which obviously for some reason or other is maybe not appropriate to put through on those targets because they do need further consideration. It may be an environmental impact statement, for instance.

Deputy J.H. Young:

Are you satisfied ... where is our current performance?

Chief Executive Officer:

It is getting better I am pleased to say. We have only brought the 8-week target in as of 1st January. We did have an 8-week target going back probably to 2006. It was removed 2006-2007 and we only had a 13-week target at that point. At the moment, 90 per cent of all applications are going through within 13 weeks, so that is the headline figure compared to last year's performance ... I have to jog my memory now, it was about 84 per cent, around low 80 per cents last year, about 85 per cent the year before, early 2008 58 per cent, so we have had a ...

The Connétable of St. John:

Was that because of the workload at the time given that the applications ...

Chief Executive Officer:

Probably a number of reasons, to be honest. I would say workload has gone down so there is a difference of pressure there. I think also we are looking at process and procedure. What we have tried to do over certainly the last 6 months is streamline a lot of the process and procedure to make sure that the pipeline, if you like, of an application to something going out the door is as short and as direct as possible without too many people getting involved. I think we have mentioned we have a procedures manual now in place. We have I.T. improvements now in place. We have also been looking at what you need planning permission for and what you do not need permission for. The other major difference is to up the performance culture in the department to say that performance is important. It is not all about the design and the answer, the speed of the decision is also important for applicants. So that has been a bit of a culture change and we have over the last 6 months turned the gas up a bit on that.

Deputy J.H. Young:

Right, so you expect to see an improvement there, an improvement compared with the ... I personally as an individual put a question in on 3rd December and roughly I took from that there was an average period of 14 weeks for departmental applications to make decisions and 26 weeks for planning panel and there were applications outstanding of an average of 23 weeks. So when I averaged that lot out, it came to about 17 weeks. I was thinking, well, is this consistent with ...

Chief Executive Officer:

Yes, with statistics it depends on how you run the stats, but what I think we should be measuring is if I put an application in, how long is it going to take for it to come out the other end? That is the simple question. How long does the department have on average to deal with these applications? Of the applications received and decided in a year, how long have they taken, those decisions, to come out the other end? At the moment, the stats this year, we are at 90 per cent of all decisions on target, which is a big step forward. I think what we do have is some applications which skew the average figures. We do get some big applications which take some time to deal with. They are very political, very public, lots of public interest but ...

Deputy J.H. Young:

You can stop the clock on those, can you not?

Chief Executive Officer:

No. Well, not technically. Once they are in, they are in. That is the other problem. Once they are submitted and it is valid, the clock is ticking.

Deputy J.H. Young:

You will be publishing quarterly figures?

Chief Executive Officer:

Yes, we will and I think certainly our big focus is to make sure the small applications go through in 8 weeks or less. They do not have to take 8 weeks.

Deputy J.H. Young:

Just a couple of other questions on this, then, before we move on. Do you do any sample case reviews, for example, you as Chief Executive Officer? Do you ever pull any files and do any reviews, systematic sampling and monitoring of your team?

Chief Executive Officer:

I do not do any in a systematic way like that. What I tend to get involved with are when I get the odd complaint and then I pull the file and then I get involved and have a look at what has gone on. So I do not do any proactive sampling like I will sample 2 per cent, 5 per cent, whatever the figure is. I do not do that, but what I tend to do is get involved in cases where they pop up to me and the applicant is not happy or an objector is not happy as to how something has been done.

Deputy J.H. Young:

Having spent a number of years working for law firms, do you see any benefit in doing this? Do you see any benefit in systematic case reviews where officers do not know which case is going to be chosen and they are subject to a peer review by a senior person in the department?

Chief Executive Officer:

I think it is a very useful tool and it would be something we could look at. The only other thing is just time and resource to do it, frankly, and it is balancing one against the other, really.

Deputy J.H. Young:

No, but what I am asking, really, is about checks and balances, independent scrutiny, verification so systems cannot go cosy, if you like.

Chief Executive Officer:

No, okay. I think we have a number of things in place now and no planning decision could be signed off solely with one set of eyes. It always has to have a set of second eyes on it. If you are a junior planning officer in the team, the team leader will always have to sign off that recommendation. Any team leader recommendation has to be signed off by the director, so we always have 4 eyes. Sometimes there is another set of eyes on top of that if we have political oversight of decisions. The other big change in transparency I think comes with our I.T. changes. All applications are viewable. All communications on those applications will be viewable so that a member of the public sitting at home can look at all objections, letters of complaint ...

Deputy J.H. Young:

When is that happening?

Chief Executive Officer:

We are in testing at the moment. The system is being worked on, it is in place. We do not want to give the final date of launch. It is soon but the system is currently in test. We are testing it for 3 or 4 weeks, making sure it works, but there will come a point in time very soon that all plans will be able to be looked at online and all communication received on those applications can be seen online, including the officers' reports.

Deputy J.H. Young:

But you will not be able to see letters going out?

Chief Executive Officer:

I think we will put all communication on those applications on the file, yes.

Deputy J.H. Young:

Okay, thank you for that. One last question for me. Audit reviews, independent audit reviews, I think from memory this chap Shepley did a review. I know he certainly did one ...

Chief Executive Officer:

Yes, Shepley.

Deputy J.H. Young:

... in Guernsey. He did one in April 2011 there, a review of their planning service. He did one in Jersey before, I think.

Chief Executive Officer:

That is correct, yes. If my memory serves me right it is either 2005 or 2006, around that sort of date.

Deputy J.H. Young:

In the 1990s, if I am right, the U.K. Audit Commission did a review. Have you any plans for future reviews or to bring back to check out at some stage how things are going?

Chief Executive Officer:

Yes, we have implemented a lot of the Shepley review. One of the key areas that we did not implement was the appeal system, and that is going to get mopped up in work later this year on looking at appeals.

Deputy J.H. Young:

Let us come back to that. I want to deal with it as a separate item.

Chief Executive Officer:

Yes. We are not planning any further major pieces of external review. We did our own planning officers ... we had the Planning Officers Society over in 2010 reviewing the planning system. Much of their report has now been implemented, some of which is the I.T. changes and the various protocols for ministerial and planning panel decision making. They have now been put in place. I would say that has been a review. That was 2010 that that external review took place.

Deputy J.H. Young:

Do you see any mileage at some point in going back on that to see how it has worked out?

Chief Executive Officer:

Absolutely. I think it is right at points in time to say: "Do we have the planning system that we want?" I think there is nothing wrong in getting that validated at any

point in time, really. I would say as long as it is done in appropriate timescales. As I say, we had the Planning Officers Society over in 2010. There may well be scope in a few years' time to take stock on how it is currently working.

Deputy J.H. Young:

Do you want to pick up anything on that, Phil?

The Connétable of St. John:

Yes. With your development control, et cetera, and your time factors, how many complaints do you have in the course of a year where things have not gone to plan because your officers may have signed something off and it has fallen over into the hands of the client, shall we say, to put it right? How many of those do you get in the course of the year?

Chief Executive Officer:

Formal complaints, we do not get many formal complaints as to the process. We get grumbles. Some do not get to formal complaints. If you do not like the decision, then we get appeals. We get a number of those. We do not get vast numbers, mind you, we get probably 8 or 10 Royal Court appeals a year. We get a number of requests for reconsideration. This has to be wrapped up in our appeals discussion, but that is when an officer decision has been made and the applicant does not like the decision so they ask for the planning panel to relook at that. We get quite a few of those a year. Whether you treat that as a formal complaint or not that they just do not like the decision, we get a number obviously of people who do not like the decisions.

The Connétable of St. John:

No, I am talking about complaints where an officer ... a permit has been issued, it has been overridden by an officer down the line, and the officer is no longer there or whatever. How many of those do you get in the course of a year? Something has been overridden by an officer and ...

Chief Executive Officer:

So an application comes in?

The Connétable of St. John:

Yes, it is passed in a certain way ...

Chief Executive Officer:

It is approved, yes.

The Connétable of St. John:

It is agreed and then something happens over the next few months and something else is written on the application, held up at your end?

Chief Executive Officer:

Would this be ... sorry, I am just trying to work out a scenario where that would happen. We have permitted something, the applicant then gets to build it, starts to build it, we are then ...

The Connétable of St. John:

It is all finished and then 2 years down the line an officer puts a note on the file that X has happened and the people concerned are not aware of it.

Chief Executive Officer:

Well, if it is a decision that has been made, the planning officer will only get involved again if something is not going according to the plans. If a decision has been duly made, it is frankly off the officer's desk.

The Connétable of St. John:

Okay, I will come back on this one later.

Chief Executive Officer:

Yes.

Deputy J.H. Young:

I am going to try and speed through the remaining things so we can finish on time. Organisation, you are currently based on 2 sites?

Chief Executive Officer:

We are.

Deputy J.H. Young:

Is that satisfactory? If it is not, what are you doing about trying to co-locate? Is it advantageous?

Chief Executive Officer:

Is it satisfactory? No. I think that it would be far more satisfactory for the department to be on a single site where possible. We have some operational things; so Met., it is useful for them to stay where they are. We have a little fisheries hut down at La Collette which is useful to have. But the majority of our office-based staff should be in one location in my view because it gives a lot of efficiencies and one set of overheads. So, yes, I agree we need to do that. Progress towards relocation, very little. We are tenants of both buildings, both the Farm and South Hill, so while we may have some ideas as to what we would like to see, unfortunately the solutions are not in our own hands. We are in, if you like, the bigger property mix. We are tenants; the landlord is Property Holdings. We have regular discussions as to what the solutions could or could not be, but I am not aware of any ...

Deputy J.H. Young:

Are they active on the subject? Are Property Holdings aware of your needs?

Chief Executive Officer:

Yes, they are aware of our needs but I would say there are not any active plans to give us a solution, no. There have been a number of things mentioned but I do not think they are progressing at the current time. So we are where we are.

The Minister for Planning and Environment:

Some of this was tied into the absence of masterplans and the insistence of the Treasury with their old policy ideas of just wanting to sell off state sites and put the monies back into the Treasury. I would be personally resistant at the moment to

moving from South Hill if it meant that the long-term prognosis of our site would under-utilise that particular site. It is not surplus to requirement so we do not need to move as yet.

Deputy J.H. Young:

Your preference is for what?

The Minister for Planning and Environment:

My preference would be for a single location. I think it would be better in town because I think one of the things that does not happen at the moment is that we do not have ... it is not particularly convenient for the public to drop into their planning centre and to allow other initiatives to increase the range of advice that we could be giving in terms of community involvement and development. I think if we were located in a more central town area place then that would be a better site.

Deputy J.H. Young:

You could put, for example, plans on display so the public can see applications properly?

The Minister for Planning and Environment:

Yes, that is the point. We are limited in the space, as you know, that we have up at South Hill. It is not particularly convenient for the elderly or whatever because it is up a hill. Some people do walk but not many. There are car parking facilities but it is not really central. Long term, if there is an opportunity to move to a more central location then obviously I would be happier to move. But at the moment none of those options have come forward other than suggesting that we went to Maritime House, which was a nonsense and was just a stopgap situation in order to get us out of South Hill to convert it into a couple of townhouses, which is not right.

[12:15]

So, going back to the masterplanning issue, South Hill is obviously back on our radar now in order to determine the long-term use of that site before we get moved out or moved on.

Deputy J.H. Young:

Howard Davis Farm presumably as well must be a valuable site?

The Minister for Planning and Environment:

Howard Davis Farm, again it would be good for ... it is fine for country kind of things, but the nature of the job, it is the environment with planning and I think you really need to have both functions in one place and are probably best placed in town.

The Connétable of St. John:

Out of interest, do you pay rent and, if so, what is it?

Chief Executive Officer:

We pay rent at Howard Davis Farm to the Howard Davis Trust. We are tenants there, circa about £8,000 a year. We pay no rent at South Hill. We pay rent at the airport for the Met team to the airport because we take space off them. An approximate

figure is around £20,000 a year I think for that space. We rent the portacabin from Harbours for the fisheries team. That is around I think £12,000 a year, that space.

The Connétable of St. John:

Given that your department are going to be charging 100 per cent fees, would it not be right that you paid rent for the premises you occupy?

The Minister for Planning and Environment:

It is only a circular use of the monies. That was one of the reasons for not going to Maritime House because they were talking of rentals at I think it was £120,000 a year or whatever, something ridiculous, and at the end of the day you just rob Peter to pay Paul.

Chief Executive Officer:

Yes. Not all of our department will be self-recovered from fees, but I think there is a bigger question as to how the States treats its property portfolio and should departments pay a notional rent level. Because at the moment many departments do not pay rent at all. Land is ...

The Connétable of St. John:

We are paying rent at the airport on something we own anyway.

Chief Executive Officer:

We do, but because they are trading operations, we get a rent because they are trading operations.

Deputy J.H. Young:

I think we are going to have to accept that there is an issue there which I think is going to have to be taken on board by I think it is the Corporate Services Panel, because I think what you are telling us is at the moment you are occupying buildings inefficiently, does not meet the needs and there is a need for relocation for everybody's benefit, for the public benefit, and the assets that you have are very valuable important assets that are not being put to the kind of potential uses they could, all of which says ... and please correct me if I am wrong but that is what I am hearing from you, that there needs to be a policy of enabling those things to happen. So, just to be clear, you mentioned fees there. The Constable has picked that up. You have also mentioned throughout the meeting that you are constrained in a number of areas by resources and you would like to do more.

Chief Executive Officer:

Yes.

Deputy J.H. Young:

You have spoken about ... I think I am right, maybe it was an informal meeting, that you are planning to increase fees to the maximum possible or are having to at some stage.

Chief Executive Officer:

Yes.

Deputy J.H. Young:

Have you given any thought to whether there is any mileage in what you might call the regulatory side of your department being moved off the organisation into some kind of separate regulatory agency, something like the J.F.S.C. (Jersey Financial Services Commission) or something, which could be set up separately, properly funded, funded through fee mechanisms and operate in a more arm's length, decentralised way? Is that something that you are open to investigate and have you done any work on it?

The Minister for Planning and Environment:

We are looking at that at the moment and there is also a wider kind of policy review initiative that is being undertaken by the Council of Ministers and the other bodies affiliated to it to see to what extent a new mechanism can be found to separate out the 3 basic roles of government, which is the operational side, the operational roles, the regulatory side and the strategic and planning functions. In supporting those moves, I would just obviously want to strongly claim the middle ground to ensure that the planning function, the thinking function, is not watered down and pushed to the centre to groups of people who do not have any remit or any expertise to deliver on the important things that we do, which are not always recognised.

Deputy J.H. Young:

So that is the current proposal, is it?

Chief Executive Officer:

Yes, I think there could be opportunities. You could go down a sort of environment, regulation, agency type approach. People would need to be clear on what its status was, whether it would incur more costs because it would be treated as a private sector entity and pay rents in the private sector sort of thing. Would it need a client contractor? Would you have a client team back in-house somewhere to keep an eye on it? In creating an agency at arm's length, sometimes you create greater bureaucracy in the centre because you then need someone to keep an eye on your agencies.

Deputy J.H. Young:

Well, may I interject? You can, but I would ask the question: do we have such an arrangement in the J.F.S.C., for example?

Chief Executive Officer:

Well, ultimately, they are ... I do not know the specific details of that but clearly ...

Deputy J.H. Young:

I don't think so. I am sure bureaucracies could be created but you are not advocating it, are you?

Chief Executive Officer:

I am not advocating bureaucracy creation at all. I think things could work differently. Certainly, you could create an agency approach for much of our ... we do mostly policy and regulation in the department so you could put that in an agency. It would work more arms' length away from the States machinery. So I guess the question I would pose would be would the States want that to happen.

Deputy J.H. Young:

Well, maybe not but could I suggest to you am I right in saying that you are resource constrained and would I be right that such a body might be freer to be able to generate returns and strategies to do what it needs to do effectively?

Chief Executive Officer:

It could possibly.

The Minister for Planning and Environment:

It could, but at the moment the obvious play-off is whether or not those functions should automatically be assimilated into the Chief Minister's Department. I would resist that.

Deputy J.H. Young:

Right. You are opposed to that. We can put that on the record.

The Minister for Planning and Environment:

Yes.

Deputy J.H. Young:

It is not for us to venture opinions ...

Chief Executive Officer:

Back on the wider fee issue, the strategy that we have employed so far, where a service acts predominantly in the private interest it should recover as much of its fees as it could.

Deputy J.H. Young:

Would you see some benefit if you had an agency and one could have a board and have a wide range of industry representatives on the board to give you this balance and independence?

The Minister for Planning and Environment:

I do not know, I think that is a double-edged sword. Although it is nice to think that you get the right balance, I think because we are such a small place it would still be difficult to ensure that those persons who were sitting on that new board did not exercise undue influence.

Deputy J.H. Young:

Well, thank you for that. I think I have cleared that ... We have 10 minutes left. I would like to speak about appeals. Really, in a nutshell, I would like to ask you, please, to tell us about your progress and what your steps are on producing this consultation paper on the independent full merits planning appeal system.

Chief Executive Officer:

It is a job for this year. We have an officer who should be coming out of his I.T. project role hopefully within weeks. His next job, his only other job this year, is the planning appeal system. So we are on track to issue a consultation paper this year. It will be a full Green Paper to look at the various options. We want to do that really ...

to get the debate running we really need to do that in the autumn so that we can get the debate running, but yes, we have a single officer who has 2 jobs this year. One is the planning I.T. system and the other one is the planning appeal system.

Deputy J.H. Young:

Are you proposing to set up any sort of groups to work with that officer?

Chief Executive Officer:

I think we would certainly welcome involvement with Scrutiny on that. We would certainly welcome involvement with industry representation and industry groups. I think we need to obviously work with the courts, the judiciary, the States Greffe as well as the body politic. Potentially there are some very big changes as to how appeals are run and we need to both have debates with the Law Officers and the courts as well as the industry and anything that Scrutiny wishes to or can add to that would be most welcome because it is a big change, could be potentially a huge change for the Island. Yes, so the debate will start this year. The Green Paper will come out. What will happen, clearly we will end up getting a lot of consultation, a lot of debate. The plan is to have a formal White Paper and legislative change in the following year, but it would need a significant change to the Planning Law. The listing system is also changing, the Planning Law in place is as well, so there are quite a few changes that we would need to make to the current 2002 Planning Law. It may warrant a new Planning Law in its entirety. There are some big steps of work to go through.

Deputy J.H. Young:

It is for you to put these proposals but I would ask you to look in some detail at setting up that group because I think some of those people in groups you have mentioned are pretty complex and given ... are you alert, for example, to the delays that can come when dealing with legal processes in Jersey and consultation through the courts, the Law Society and others? One needs to be quite organised and focused in dealing with that.

Chief Executive Officer:

Yes. I think, yes, we are not underestimating the task. To change to the current legal reasonableness test to full merits appeal and have some other form of entry for appellants, that is the key issue I think. There is an issue about planning merits, but it is also about, I think, natural justice and about how you can access an appeal system without the significant costs it currently has.

Deputy J.H. Young:

Do you see that this all has to be done at one stage or would there be some mileage in a first stage and getting the thing into the States to get the principles established so that then we do not have to go round those arguments and then, having got that, we can then look at dealing with the mechanics afterwards? Is there any mileage in that?

Chief Executive Officer:

I think there is. I think what we do need is a very clear steer from the Assembly as to what sort of appeal system is appropriate. Once we have a clear steer on that, we can then do the work. There is a lot of detailed work that would then sit behind it. But no, I think that we need to take that approach.

Deputy J.H. Young:

Thank you for that. One last question on this. Obviously, the timescale is long. There are shortcomings which I think we are all aware of in the interim. Are there any short-term interim changes that you could do, Minister, or ask the Law Officers to do to block one or 2 of the immediate holes in the current law just to alleviate some of these pressures if it can be done simply?

Chief Executive Officer:

I think one of the issues that cropped up recently, the Zanzibar case, was how third parties were able to join or be aware of first party appeals. That is something that we are talking to the Court Service on in terms of who notifies people of appeals. It is not currently our formal requirement that we have to notify because the appeal is to the court; it is an appeal against us. But there is an issue for third parties knowing that an appeal is sometimes going on. The reality is most of the time they find out, mainly because we visited the site or the grapevine is working very well, but there is not anything formal on that. That is something we are looking at. We need to balance it. We do not want to do too much work on the current system if in 18 months or so time we want to change the law again to do something else, but that is certainly one area we are looking at.

Deputy J.H. Young:

Do you want to pick up on that, Phil? Right, I think now, because we are down to less than 5 minutes, legislation in the pipeline, can you tell us what is about to hit us?

Chief Executive Officer:

Do you want to do that?

The Minister for Planning and Environment:

No, you can do that.

Chief Executive Officer:

Okay. We currently have a draft medium-term work plan which looks at 2012, 2013 and 2014, which are not far off just finalising and we can share that with the panel. It will look at not only what we are intending to do but also propositions we intend to lodge and legislation we intend to change or bring. Quickly, there is a lot of animal health stuff, so diseases of animals, law, animal health ... I will not go through them all because there is quite a lot.

Deputy J.H. Young:

Pesticides, I hear on the radio this morning there was some comment. Is that coming?

Chief Executive Officer:

Yes, Pesticides Law, we try and keep up with what is going on in the E.U. (European Union) and the U.K., mainly because of the products. We have done a lot of work on that, but pesticides are certainly on the list. A lot of stuff around animal health, amendments to the Planning Law to cover things such as ... we tweak the Planning Law on a regular basis, but some of the big stuff is around appeals and heritage. We are also looking at the Aquatic Resources Law. That includes seaweed and things like that. Fisheries are always a block allocation so we have a number of works on fisheries. Big new piece of work now on energy, Offshore Renewable Energy Law,

review of the Electricity Act; that will be some significant work following the energy policy. We are also looking at changing and updating the Wildlife and Habitats Law to cover habitats. That is the important thing there.

Deputy J.H. Young:

Rather than species?

Chief Executive Officer:

Rather than just species. Protection of archaeological artefacts. Yes, they are the headlines. Animal Welfare Law, that is the other big one for 2014. We have quite a stack of changes.

Deputy J.H. Young:

Okay, one last question, you can tell us in a nutshell. We are about to launch a Scrutiny study on a T.T.S. (Transport and Technical Services) subject, which is the question of disposal of the residues from incineration at La Collette. I wonder, Minister, do you have a position on this? Do you want to just tell us what it is or would you consider that this comes out of the work that we are doing on that when we start it?

[12:30]

The Minister for Planning and Environment:

Well, the general position is that in wanting to become, as the Chief Minister wanted us to be, the environmental conscience for the States through the department, one of the things that I am not able to do at the moment is to come forward with recommendations that a full, proper, best available technology review is done for dealing with particular waste items. At the moment, the previous process has been that T.T.S. has generally decided what they want to do and gone ahead and done it and then asked whether or not it fits the bill to be ticked off from planning and environmental considerations as to whether or not they are delivering. I think that is a short-term policy. It does not necessarily advance the Island to any great respect, if at all, in terms of promoting itself as being a society that is adequately tied up in endorsing sustainability issues and the long-term environmental treaties we have signed up to. Part and parcel of that is there will be a request at some stage in the near future for the States to agree a transfer of remit to allow the waste management strategy to be put back to the Environment Department, which is where it should be and where it is in a lot of other jurisdictions, and on that basis we will be in a firmer position to ensure that consideration of all technologies is undertaken and a position is taken to achieve the better end of the environmental acceptance spectrum rather than sometimes of being at the worst end.

Deputy J.H. Young:

Are you saying, Minister, you would prefer in the chain of events to be at the beginning rather than at the end having to decide whether something is done or not?

The Minister for Planning and Environment:

Yes, absolutely, because otherwise we just end up in a situation with civil service officers in other bodies running around in circles. We end up perhaps coming up with

a political short-term solution that does not advance the Island's credibility in green terms or sustainability terms at all.

Deputy J.H. Young:

Minister, I am bit puzzled, why is that the situation that you are not involved at the start?

The Minister for Planning and Environment:

Well, because the 2 departments were put together. We had the Public Services Department and Planning put together in order to procure the incinerator as it was generally easier on the grounds that there was only going to be one political person in charge of it and it is not always the case that ... it is difficult to kind of argue with yourself. So at the end of that process I thought and I think other States Members thought that the environmental aspects of the combined departmental jobs would be reallocated and go back along environmental grounds, but it did not happen. So we end up with the T.T.S. ostensibly in an operator role running an incinerator and other waste management processes and at the same time being in full control of the strategies that govern the environmental aspects of that job, which is ridiculous in my view.

Deputy J.H. Young:

How are you going to advance it? Any thoughts on that?

The Minister for Planning and Environment:

How it has to be advanced, there is only one way to do it and that is the remit for the waste management strategy has to come back to Environment and the operational control stays with T.T.S.

The Connétable of St. John:

That being the case, you being the regulator ...

The Minister for Planning and Environment:

The regulatory control is something that can happen independently. As I said earlier, there are 3 aspects of government. There is the operational role, the regulatory role, and the thinking or the strategy, the strategic role. What I am arguing for is a strategic role should come back to Environment.

Deputy J.H. Young:

You are arguing for that at the Council of Ministers, are you?

The Minister for Planning and Environment:

Yes.

Deputy J.H. Young:

Is that being well supported?

The Minister for Planning and Environment:

I think we have an element of support but there is probably a long way to go because equally what I am doing is the same thing for fisheries and agriculture, and that is pretty advanced, for the remit to come back fully in order to discharge resource issues,

parks or conservation measures for dealing with fisheries and things, which are rightfully placed with Environment. Likewise with Environmental Health in order to allow us to do the air quality.

Deputy J.H. Young:

Just to comment, fisheries I would guess, Minister, has been fairly uncontroversial, has it not, that change, moving over to yourselves?

The Minister for Planning and Environment:

No.

Deputy J.H. Young:

Really?

The Minister for Planning and Environment:

Was it controversial? What are you hearing?

Deputy J.H. Young:

Well, I had understood there was always a consensus. I thought the current organisation - and again, put me right if I am wrong - is that you have the staff but the responsibility sits with other Ministers in ...

Chief Executive Officer:

Yes, we have all the staff and all the budget, but the legislative responsibility sits with the Minister for Economic Development.

The Connétable of St. John:

It does not sit well with you, does it, Minister?

The Minister for Planning and Environment:

Sorry?

The Connétable of St. John:

Does that sit well with you?

The Minister for Planning and Environment:

I think it should sit well with us, yes.

The Connétable of St. John:

No, that it sits outside of your control, it sits with the E.D.D. (Economic Development Department)?

The Minister for Planning and Environment:

Yes, and it should not do.

The Connétable of St. John:

It should not do, so it does not sit well with you?

The Minister for Planning and Environment:

No. When I took up the job, it was on the basis that I was going to try and put all of the environmental pegs back into the environmental departmental basket. I think that is a view that I have not changed at the moment.

Deputy J.H. Young:

In the meantime, going back to this question of where that leaves us, we are going to do this Scrutiny review on the residues and it is obviously a T.T.S. project, but obviously part of that is we definitely want your views. In the interim, the question that leads to, to me, is if we cannot resolve this question of strategy we are likely to end up with short-term solutions, are we not?

The Minister for Planning and Environment:

Yes, which could well be expensive. The other fundamental difference I think of approach that is enabled by moving the waste management strategy back to Environment is that there is the potential, in my view and it is easily justified, for certain processes to radically alter the way that we deal with waste materials. Instead of considering the materials as waste, we can go back to the old-fashioned view, which was the right view, when we had the Resources Recovery Board and, in essence, the waste can be considered as being resources. So we can begin to turn round the operational control of the department from one which relies on subsidies or inputs of taxpayers' money into the system to get rid of waste to one where you can be generating extra products or adding value to waste materials in order to generate a revenue which would not require that level of state subsidy.

Deputy J.H. Young:

Thank you for that, Minister. This is obviously a very big subject. I think we will be coming back to this as part of that review, so I think it helps us a lot knowing your position. I think now the time ... unless you have any other points, Connétable?

The Connétable of St. John:

No.

Deputy J.H. Young:

I think I would like to thank you, Minister, and you, Chief Executive Officer, for giving such thorough answers. I will now formally close the hearing.

The Minister for Planning and Environment:

Thank you.

Chief Executive Officer:

Thank you.

[12:37]