

2.4 The Deputy of St. John of the Minister for Planning and Environment regarding a Percentage for Art contribution arising from the planning consent for the Energy from Waste plant.

I hope I can get this one right. Would the Minister advise whether, within the Energy from Waste plant consent, there is a proposal for a Percentage for Arts contribution and if so, how much?

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

As I advised the last Assistant Minister for Transport and Technical Services, I will not be expecting a separate Percentage for Arts scheme on the Energy from Waste project. The building is designed by an internationally-acclaimed architect and a similarly regarded landscape architect. The S.P.G. (Supplementary Planning Guidance) allows the Minister to take such factors into account when assessing the appropriateness of a Percentage for Art condition on a public project. It must be remembered that Percentage for Art is a voluntary arrangement that at its core is designed to derive a public benefit from private development. In the case of public projects, while Percentage for Art is to be encouraged generally, it can also be argued that in some cases that the delivery of the project at a certain standard is in itself a public benefit. Thus I have regarded that the architecture construction materials and landscaping effectively constitute a Percentage for Art project in themselves.

The Deputy of St. John:

I would like to thank the Minister for a good answer.

2.4.1 Deputy R.G. Le Hérissier:

Can I ask the Minister by what process are the decisions made for Percentage for Art? Is it one that he takes in isolation or does he consult relevant people?

Senator F.E. Cohen:

The Percentage for Art Supplementary Planning Guidance makes it very clear that the programme is a voluntary programme. There is no way of forcing an applicant to endorse or to apply or comply with the Supplementary Planning Guidance and therefore it is a matter between the applicant and the department to negotiate wherever possible but it is impossible to enforce it. Thank you.

2.4.2 Deputy R.G. Le Hérissier:

Can I just clarify that? Could the Minister confirm that there is, despite the worthiness of this project, absolutely no pressure put upon people undergoing development to put forward such a project?

Senator F.E. Cohen:

“Pressure” is not the correct word. We use the mechanisms of encouragement. This is a policy that is designed to deliver over a period of time an exceptional portfolio of modern British art derived out of private development that I believe will be unrivalled in any other comparative jurisdiction. We certainly do everything we can to encourage developers to comply with the Supplementary Planning Guidance but there is no mechanism to force developers to do so.

2.4.3 Connétable A.S. Crowcroft of St. Helier:

I must say as a supporter of Percentage for Art, I am at a loss to understand the Minister’s reasoning. Several major private sector projects are going ahead where the

benefit of the iconic architect is there, as is the landscape element, and yet Percentage for Art is being encouraged and indeed produced. Here we have a major public sector piece of work which surely calls for enhancement by art if anything else does, and yet he is saying that he does not think that Percentage for Art is applicable in this case. I do not understand his reasoning.

The Deputy Bailiff:

So what is the question?

The Connétable of St. Helier:

Would the Minister explain his reasoning? **[Laughter]**

Senator F.E. Cohen:

I had hoped that I had already done so in my initial answer, and it is that one can argue that in a public project, in certain instances, the project in itself derives the public benefit. The concept of Percentage for Art is to derive an additional public benefit out of private development, so there is a fundamental difference. But having said that, I would always encourage public sector applicants to comply with the Supplementary Planning Guidance and, wherever possible, to deliver Percentage for Art projects. But, again, as I have repeatedly said, this is a voluntary scheme so it is impossible to force the delivery of Percentage for Art schemes anyway.

2.4.4 Senator B.E. Shenton:

The Minister had previously indicated in this Chamber that a Percentage for Art, albeit quite a small one, would be payable on this project. Has he revised the guidelines or done a U-turn on this decision?

Senator F.E. Cohen:

It is not a question of doing a U-turn, it is a question of affordability of the public sector to deliver this project. While I would encourage the applicant to deliver a Percentage for Art project in relation to this, I certainly cannot force it and would not intend to do so. Thank you.

2.4.5 Deputy A.T. Dupre of St. Clement:

Would the Minister say why we seem to be using English people to do these projects and not using local people? Thank you.

Senator F.E. Cohen:

I did not say “English”, I used the term “British”. The term includes Island artists and indeed there are a number of Percentage for Art schemes where local artists, I am pleased to say, have been commissioned. However, it is certainly not the intention of the department, or me as Minister, to constrain applicants in relation to what they consider to be appropriate artists to deliver their Percentage for Art pieces and that is left entirely to them. Thank you.

2.4.6 The Deputy of St. John:

Would the Minister agree with me in that at the time of a credit crunch it would be difficult to be spending taxpayers’ money in this particular area, as other areas within the infrastructure would need to be taken into account?

Senator F.E. Cohen:

Yes, the Deputy of St. John is well known as a practical chap and I thoroughly agree with his comment.