

3.7 Senator B.E. Shenton of the Minister for Planning and Environment regarding the influence of the Parish Connétables in respect of planning matters

Why does the Constable of the Parish carry more weight in respect of planning matters than the Parish Deputy, and what legal authority, if any, does the Minister have to base planning decisions on the sole personal opinion of the Parish Constable?

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

Over 2 years ago, while preparing the retirement housing proposition, I stated to the Connétables that other than in exceptional circumstances I was not predisposed to recommend any significant sites for housing without their support. This primarily related to rezoning sites. I do not rank the Connétables views higher than any other Member but as father of the Parish the Connétables have a specific role in representing the views of their Parish through the mechanism usually of a Parish Assembly. My duty is to consider all material factors relating to applications before making my decisions. Furthermore, due process must be followed in preparing the Island Plan. The Connétables' views are significant but they do not amount to a veto. The inspectorate part of the examination and public process will expect demand for all types of housing to be delivered in the new Island Plan but I must stress that the main thrust of the delivery of affordable housing in the new Island Plan is through the affordable housing mechanism that will apply to the majority of development sites, not just on rezoned sites as in the past. It is a decision designed to ensure the protection of the Green Zone. Regrettably, I did not include the appropriate caveats when I responded to Connétable Norman's question in the last States sitting. I was unprepared for the question and consequently was imprecise and I apologise to the House for this error.

3.7.1 Senator B.E. Shenton:

I am a little bit confused. The Minister for Planning and Environment says that it does not amount to a veto and yet he has clearly stated that he will not pass any new developments without the support of the Parish Constable. Surely that is a veto by all intents and purposes. I am a little bit concerned that we should have a planning process that is fair to both the people wanting to develop and the people that wish to object to the developers and also one that fulfils all human rights requirements. I cannot see that this bias towards the Constable has any merit in law or in human rights.

Senator F.E. Cohen:

I have described it as a predisposition to having regard to the Connétable's view and I think that Members understand what I mean by that. We do have a fair process; we have an open process. The Island Plan process could not be more open and for the first time includes an examination in public by a qualified inspector.

3.7.2 The Connétable of St. Helier:

Could the Minister for Planning and Environment explain why this predisposition did not apply to his support for housing on the site of the Millennium Town Park which had been reserved for open space?

Senator F.E. Cohen:

I have made it clear that I have withdrawn the suggestion for housing on the Millennium Town Park area and, as the Connétable himself will remember, he was

invited to become a member of the North of Town Masterplan group and indeed for a time I believe was a member of that group when the plans were formulated.

3.7.3 Deputy R.G. Le Hérissier:

Would the Minister not concede that an equally deficient part of the system is the procedure whereby cases are divided between himself and the Planning Application Panel on the basis of criteria which are very hard to define other than the emergence of the white smoke from the Minister's office?

Senator F.E. Cohen:

If the Deputy has a better idea I look forward to hearing it.

3.7.4 Deputy M. Tadier:

There does still seem to be some confusion as to whether or not the undertaking the Minister gave was in fact a veto or not a veto, so could the Minister perhaps clarify the exact words he used to the Constable of St. Clement, I think, in that case? We can decide ourselves whether it constitutes a veto.

The Deputy Bailiff:

Deputy, it would be in Hansard. Minister, do you want to ...?

Senator F.E. Cohen:

I do not have the exact words but whatever was said I have already apologised to the House for being imprecise. The position is that I am effectively correcting what was said at the last States sitting and that is the Connétables do not have a veto albeit that I have a predisposition to consider carefully any views presented to me by the Connétables, particularly through the vehicle of a Parish Assembly.

[10:30]

3.7.5 The Deputy of St. Mary:

When he was talking about the Constables and their position as father of the Parish - or mother of the Parish, I should say - the Minister referred to the mechanism of the Parish Assembly. Is the Minister aware of the percentage of residents of each Parish who go to Parish Assemblies as was stated in the answer to my written question some time ago?

Senator F.E. Cohen:

It is up to members of a Parish to decide themselves whether or not they wish to attend a Parish Assembly. It is not for me to dictate to them that they must do so. The reality is that the Constables have open to them the mechanism of a Parish Assembly. It is an ancient mechanism and long may it continue. It enables the Connétable to represent the parishioners.

3.7.6 The Deputy of Grouville:

Is the Minister satisfied that this is the view of the Constable or the Parish Assembly? Is he sure that there are Parish Assemblies that are held before the Constables give their views and votes taken? Is he also satisfied that the Constables were asked to bring forward a criteria for the rezoned land? This States Assembly agreed to that in April 2008 and we still do not have a criteria for the people occupying the homes on rezoned land.

Senator F.E. Cohen:

I believe that we do have criteria for some of the sites and some of the sites are indeed progressing but as I made clear at the time, the timescale from the Assembly approving the principle to homes being delivered on the ground, that can, in many cases, be many years. I am afraid that is just the process of bringing sites forward for development.

3.7.7 Senator B.E. Shenton:

It is my understanding that anyone could call a Parish Assembly, including the Parish Deputies, so there is nothing special about the Constable in that respect. Can the Minister give an undertaking that he will run his department in accordance with the Planning Law and the human rights of the individuals of the Island and not start giving bias towards individuals such as the Parish Constables?

The Deputy Bailiff:

Will you act lawfully, Minister?

Senator F.E. Cohen:

I will, Sir.