

# STATES OF JERSEY

## Environment Panel

### TUESDAY, 24th JULY 2006

#### **Panel**

Deputy R.C. Duhamel of St. Saviour (Chairman)

Deputy G.C.L. Baudains of St. Clement

Deputy S. Power of St. Brelade

Deputy R.G. Le Hérissier of St. Saviour

Apologies: Connétable K.A. Le Brun of St. Mary

#### **Witnesses**

Mrs. D. Canavan

Mrs. J. Huelin

Mr. D. Carne

#### **Deputy R.C. Duhamel:**

Right, okay, welcome everybody. We are the Environment Scrutiny Panel, so we have Deputy Roy Le Hérissier there, Deputy Baudains, the Clerk, Ian Clarkson and Deputy Sean Power and I am Deputy Duhamel, if you do not know. Right, I have got to read you a notice first of all; so it is important that you fully understand the conditions under which you are appearing at this hearing. You will find a printed copy of this statement that I am about to read to you on the table in front of you: "The proceedings of the panel are covered by parliamentary privilege through Article 34 of the States of Jersey Law 2005 and the States of Jersey Powers and Privileges and Immunities Scrutiny Panels PAC and PPC Jersey Regulations 2006. Witnesses are protected from being sued or prosecuted if anything is said during the hearings, unless they say something that they know to be untrue. Now this protection is given to witnesses to ensure that they can speak freely and openly to the panel when giving evidence without fear of legal action, although the immunity should obviously not be abused by making unsubstantiated statements about third parties who have no right of reply. The panel would like you to bear this in mind when answering the questions. The proceedings are being recorded and transcriptions will be made available on the Scrutiny Web site." General housekeeping issue; when you are speaking, if you could speak to the microphone because it is being picked up by the tape recorder. Right, this particular review into the planning process is being conducted by Deputy Gerard Baudains. He is the lead member and he is being ably assisted most of the time by Deputy Rory Le Hérissier and the other members of the panel are here to assist in our capacity as question askers or filler-inners or whatever. So this afternoon, principally, you will be getting questions from the 2 lead members. So with that view, I think I would like to call upon Deputy Gerard Baudains to kick off and ask the first questions. Thank you.

**Deputy G.C.L. Baudains:**

Good afternoon. One thing I would like to start with; I wonder if you could clarify for us because I obviously am not that familiar with this particular site that you have referred to in your written submission, the problems which are concerning the residents. Is this a carry-over from original zonings or is it a separate new concern arising out of other matters? Has the decision to build been accepted but now there are issues of density and infrastructure generally, or is it a carry-over from the original desire there should properly be no building there?

**Mrs. D. Canavan:**

No, it was agreed in 2001 by the Island Plan that there would be housing, so I cannot answer your question, other than that.

**Deputy G.C.L. Baudains:**

No, well, if I can clarify; we have on some sites, clearly neighbours or nearby residents would rather not have had the building which was proposed in the Island Plan and some have, as a result, continued to oppose as the development has gone through its various stages. I was wondering whether that applied to this case or whether the concern is...

**Mrs. D. Canavan:**

No, we accept that there are going to be buildings there, although nobody wants building there. We accept that and because people, you know, have got to live somewhere. What we are trying to get through to people is the density and the height that they want to put them at.

**Deputy G.C.L. Baudains:**

Now, another matter that I noted from your written submission, in fact, it came from the Huelins if I remember correctly and funnily enough it came up in our previous hearing this morning, and that is the matter of the design brief. Now, what I would like to know is are you or are you not aware that the design brief is prepared by the department, it then goes to the Planning Committee for approval. Once it is approved, that is the criteria laid down. That really is the end of the road as far as discussion on what is going to take place on that site is concerned because after that the developer can simply turn around to the Planning Department and say: "Well, I am sorry, I am merely building what you asked me to build." Are you aware that the development is actually set in stone as early as the design brief?

**Mrs. D. Canavan:**

Correct.

**Deputy G.C.L. Baudains:**

Right, you are?

**Mrs. D. Canavan:**

Yes, as in the 2001, the design brief. Because we wrote to Mr. Clarke and asked him if there is another design brief that we do not know about.

**Mrs. J. Huelin:**

Yes, and we are still on the original one.

**Mrs. D. Canavan:**

Yes, there is not a second one, is there, that we do not know about?

**Deputy G.C.L. Baudains:**

Not as far as I am aware, the Deputy of St. Brelade might be able to help me on this one?

**Deputy S. Power:**

There is I think, if I can comment here, I think there is just one design brief that is in existence and that is the one that has concerned you..

**Mrs. D. Canavan:**

Yes.

**Deputy S. Power:**

The question I would like to ask you is, going back to, say, given the fact that the Island Plan was revised in 2002, was there any consultation with anyone in the area, so far as you are aware, in 2001 or 2002, with regard to that field, or those fields?

**Mrs. D. Canavan:**

The only thing that happened was that there was a parish hall meeting by Pierre Horsfall and he said that they would be in character with the buildings around us, that they would be low rise or dormer bungalows and that all members of the neighbourhood would be talked to. What is the word I want? Consulted, thank you.

**Deputy S. Power:**

So Senator Horsfall, there was a parish assembly at Communicare or at the parish hall?

**Mrs. D. Canavan:**

At the parish hall.

**Deputy S. Power:**

At the parish hall. At that meeting the then Senator Horsfall said that they would be appropriate to the

area, low rise?

**Mrs. D. Canavan:**

Yes, in fact, I have a letter by another neighbour and she quotes: "Any development will be low rise and sympathetic to the kind of properties, which could be bungalows or dormer bungalows. Another point raised against the development of those fields was this would cause an infraction to a bylaw as it would not be possible to have a footpath from the proposed development to the school as Mr. and Mrs. Vibert's property borders the main road and therefore prevents a footpath being established." So, obviously we feel ...

**Deputy S. Power:**

That is Senator Vibert? Mike Vibert?

**Mrs. D. Canavan:**

Yes. So obviously we feel now that these were lies just to appease us at the time.

**Deputy S. Power:**

As a result of that parish assembly, whenever it was, 2001 or 2002, did you receive anything ever in writing from him?

**Mrs. D. Canavan:**

I personally, because I have been there since 1979, that is when I built my house, I personally wrote to Mr. Thorne in 2001 and all I got back was, sorry I wrote to him on 2 July 2001, I have got it here if you want it, all I got was a 2 line acknowledgement back and I never got any correspondence back since. All our letters that we keep writing, nobody replies to us.

**Deputy S. Power:**

The meeting that you are referring to with Senator Horsfall, that was just a public meeting? It was not officially minuted or anything?

**Mrs. D. Canavan:**

No, it was just a public meeting.

**Deputy S. Power:**

Just a public meeting. Okay, but at that meeting, he did give an indication that there would be low rise, dormer type bungalows?

**Mrs. D. Canavan:**

Yes.

**Deputy S. Power:**

Okay, I do not know whether Ian wants anything on your copy correspondence, but it might be useful to have a look when the meeting ends.

**Deputy G.C.L. Baudains:**

If I could just go back a stage to the design brief because, as I say, I think we are all realising this has greater ramifications than we possibly anticipated when we started this review. Were you made aware that the design brief was in existence and were you invited to be consulted on it before it had reached the Committee, in other words before it became the document was basically unalterable?

**Mrs. D. Canavan:**

No, on all counts.

**Deputy G.C.L. Baudains:**

That is obviously not helpful to residents of the area because clearly, going on to another matter where the comment is that basically developers cram in as much as they can, well, of course the developer will try to maximise his profit, it is perfectly justifiable, but it is the Planning Department which should ensure that what is built is appropriate. The design brief is written by the department so the number of houses and the type of houses are set basically by departmental officers and then confirmed or otherwise by the Committee. It is at that stage which people should be invited to comment or raise issues of infrastructure, the number of houses, the height of houses because, as I said, once it has been prepared, once it has been signed off by the Committee, nothing is going to change after that, so there was inadequate consultation at that vital stage?

**Mrs. D. Canavan:**

Yes.

**Deputy G.C.L. Baudains:**

You were clearly not kept informed of progress on that matter?

**Mrs. D. Canavan:**

Correct. The first we heard was February this year, when we went up to a meeting, at Communicare, where they had got the details of what was going to happen.

**Deputy G.C.L. Baudains:**

Now you said that the response to correspondence was inadequate. To whom were you addressing your letters? Was it to the department, to the Director of Planning, to the Minister, or to everybody?

**Mrs. D. Canavan:**

Everybody. Would you like me to tell you who?

**Deputy G.C.L. Baudains:**

Well, yes, it would be helpful, because we have had an incident recently where comments made by members of the public were not responded to and the Minister was not terribly happy about it.

**Mrs. D. Canavan:**

Okay, I wrote to, just in order, Mr. Clarke, we wrote to on 22nd June. We did get a reply on 3rd July but it was very ambiguous, so we wrote again on 12th July and we have not had a reply. Mr. Cohen we wrote to on 10th April and after several phone calls he did reply on 8th May but, just again, simply did not answer the letter. We wrote again on 4th July; no reply. Mr. Dupré we wrote to on 8th May; no reply. We wrote on 4th July; no reply. Mr. Le Main we wrote to on 5th May; no reply; 24th May, which was possibly a letter that did not need a reply; 4th July; no reply. Mr. Thorne I wrote to on 2nd July 2001, reply just a simple acknowledgement; 16th May 2006, replied on 18th May, but did not reply as in again, simple acknowledgement; 4th July, no reply. The end.

**Deputy S. Power:**

If I may comment, it might be useful for Deputy Baudains to have a copy of that.

**Deputy R.C. Duhamel:**

It is in the transcript.

**Deputy S. Power:**

From the transcript, okay.

**Deputy G.C.L. Baudains:**

Now, as you are probably aware, the new building law is in force now, is it not? It was 1st July since the law came in? It requires notices to be erected on site so that the neighbours and interested parties can be aware. Now, clearly, my understanding is it would not have helped you greatly in this case because, well, apart from the lack of communication which is apparent, the matters which; it was not the fact that the site was going to be developed which was interesting you so much as what was going to be put on it?

**Mrs. D. Canavan:**

Correct.

**Deputy G.C.L. Baudains:**

Obviously I would not expect you to have read the building law but do you think perhaps it should go further, apart from just consisting of a notice saying that development will proceed on this site, or words

to that effect, that there is more information given, because I am trying to understand how people like yourself can be kept better informed of the progress of events?

**Mrs. D. Canavan:**

Well, because now they have just passed a law, it is my understanding that they are going to put a board in a field now. Because obviously one reads the *Evening Post* but you cannot be... you can be away when you read the *Evening Post*, so I think that is a good idea that they have instilled that. That they are going to put boards in fields because obviously if you are passing somewhere every day, you are going to see it.

**Deputy G.C.L. Baudains:**

Well, also of course, not everybody takes the *Evening Post*. The circulation is not as wide as people think it is. As you say, people can be on holiday and miss it and, until recently there was no legal obligation to publish applications anyway. They did not appear in the *Gazette*, you would probably notice they appeared in other parts of the paper and were simply done by the goodwill of the *Evening Post* because it was deemed too expensive to advertise it in the *Gazette*. So, it seems to me it really does hinge on the design brief. Have you got any thoughts on how this sort of problem can be avoided in the future? How those people with an interest, certainly in your case, what sort of development is going to take place on land, have you any idea how you could be better involved in the process? Obviously communication responses would be helpful.

**Mrs. D. Canavan:**

It would be very helpful.

**Deputy G.C.L. Baudains:**

I am thinking of the sort of... the consultation.

**Mrs. D. Canavan:**

Well, surely any neighbouring properties should be concerned and written to or, you know, just a simple get together to rally ideas of what people are happy with or not happy with. Surely that would save everybody so much money by developers, planning time, everybody. That would save so much money, if everybody just got together.

**Deputy G.C.L. Baudains:**

So, I have not seen the brief, the design brief, for this particular development - I presume you have. That therefore must, I presume, differ substantially from what you were told would be appearing on that site? Somewhere between one and the other, it went wrong?

**Mrs. J. Huelin:**

What they want to put there are huge houses next to bungalows. They are like 3-storeys high because they have got big loft conversions with massive big roofs on them. They are putting those next to bungalows which, we feel, is totally out of character. It is going to lose light and everything on our part.

**Deputy S. Power:**

Can I just come in here and just clarify? Mrs. Huelin, Mrs. Canavan and 2 other properties are single storey properties and this proposal is to the south and west of Inner Field, Green Field and the in the field that has been rezoned so, you are looking at 2 floors plus loft conversions on the third floor, right to the south and west of existing single storey buildings. I think, if I may be allowed to come in here on this, I think what we have here is an example of, very close to what the first witness said this morning, where the indications that were given in the public consultation are completely at variance of what actually has been proposed. If you were given an indication by the then former Senator Horsfall that there would be single storey or dormer type bungalows or certainly not on the scale of what you are seeing at the moment on Leonard's Garage, you would probably not be doing what you are doing now. If the buildings that are going to be built in front of you were single storey and in keeping with the buildings that you own...

**Mrs. J. Huelin:**

Yes. We'd be happy.

**Deputy S. Power:**

... you would not have this situation right now?

**Mrs. D. Canavan:**

We do not enjoy this.

**Deputy S. Power:**

I think it is also fair to say that what has really galvanised this group is to see what is emerging on what was the Leonard Garage site, where we have 3-storey developments going up in a high density matrix, a high density formula, and I think it has worried everyone out there that this may be what will happen on fields 190 and 192 and I know that Mrs. Canavan, you have definitely tried to sell you house, is that right?

**Mrs. D. Canavan:**

Correct. I had my house on the market last year from January to July and it was valued at £495,000 and yes, it was correctly valued at £495,000, and then it went to £480,000, £470,000, £460,000, £440,000 and my house is lovely and everybody loves my house but nobody would buy it because of all the houses going up outside, and so if there was not even an offer on it for £440,000 where would it have stopped? I rest my case.



**Deputy G.C.L. Baudains:**

I wonder if you could just clarify something? The meeting you had with Senator Horsfall, when was that?

**Mrs. D. Canavan:**

I cannot remember exactly, but it must have been before July 2001, or else I would not have written to Mr. Thorne then.

**Deputy G.C.L. Baudains:**

Now can you remember who called the meeting because Senator Horsfall was not on the Planning Committee?

**Mrs. D. Canavan:**

I do not know.

**Deputy G.C.L. Baudains:**

I am trying to figure out which politicians were there, who would have called the meeting? Was it called by the Constable?

**Mrs. D. Canavan:**

I can see Alastair Layzell there. I cannot remember anybody else.

**Deputy G.C.L. Baudains:**

Right, that is what I wanted to know because he was the Vice President of the Planning Committee at that time, I think. What I was trying to identify was who from the Planning Committee, if anybody, was there because obviously while a Senator can convey the feelings of a meeting to the planning authority, it is helpful if the members of the Planning Committee are there; so who was chairing the meeting?

**Mrs. D. Canavan:**

I cannot remember.

**Deputy G.C.L. Baudains:**

As I say, I am just trying to understand who might have called the meeting, whether it was called by Planning. It probably would not surprise me, but I am guessing, then it would be incumbent upon them to take notes of the...

**Deputy S. Power:**

There must have been officers there.

**Deputy G.C.L. Baudains:**

Yes, it would be minuted. Of the feelings of the parishioners and also guarantees that were given at that meeting would have some standing. If it was a meeting called by Senator Horsfall, same as I sometimes call a meeting of the parish of St. Clement to discuss things with the parishioners. Of course, it has no underwriting.

**Deputy S. Power:**

Can I just come in here and ask a question? I wonder what was this meeting referred to at St. Brelade, one of the road show meetings? Where we have heard reference to what is called the road show which is part of the public consultation process to do with the 2002 Island Plan. I wonder if --

**Deputy G.C.L. Baudains:**

Senator Horsfall had nothing to do with that.

**Deputy S. Power:**

But if he was President of P and R, he might have been involved with some of the road shows?

**Mrs. D. Canavan:**

That word sounds familiar.

**Deputy G.C.L. Baudains:**

Road show?

**Mrs. D. Canavan:**

Yes.

**Deputy G.C.L. Baudains:**

Was this meeting where Senator Horsfall was present, you say, approximately July 2001, as Deputy Power is suggesting might have been a road show meeting, was this meeting purely to do with this particular site? How many sites were rezoned in St. Brelade?

**Mrs. D. Canavan:**

Yes.

**Deputy S. Power:**

Not many.

**Mrs. D. Canavan:**

No, that was the only site. It was only ours.

**Mrs. J. Huelin:**

It was about our site, that meeting.

**Deputy G.C.L. Baudains:**

Right, so there was only one rezone in St. Brelade? I do not know. I know there were a lot in St. Clements.

**Mrs. J. Huelin:**

Well it was the Island Plan. It was the only Island Plan one.

**Mrs. D. Canavan:**

Yes, it was the only there, I am sure.

**Deputy G.C.L. Baudains:**

Right, so that in fact may have been the public consultation on St. Brelade rezoning sites, sort of in its entirety although there was possibly only the one site. I am having difficulty tying that in with the assurances that it would only be bungalow type properties. I am not suggesting that it was not said. I am trying to understand how, if it was a road show meeting, those guarantees would have been given because at that stage nobody had any idea really what was going to be built.

**Mrs. D. Canavan:**

In the development brief, page 12, it has got “a range of accommodation, including buildings of a varied scale may be acceptable on the site, with the use of buildings of a larger scale limited to the centre of the site.” That is in the development brief.

**Deputy G.C.L. Baudains:**

Yes, do we have a copy of that? That would obviously come out, I mean, the chronological order was that the road show took place where it was alleged that consultation with members of the public was to take place to gauge public opinion on the rezoning of sites when in actual fact it seems to most of us to be more of a presentation and then it went to the States debate, as you know, and sites were agreed. They were then rezoned as built-up zones and that gave developers potentially a right to build on them. From that flowed the design piece for the various sites where officers decided what type of building was to take place so the design brief would have been quite some time after that initial meeting. It was...

**Mrs. D. Canavan:**

No, I did not see a design brief until now.

**Mrs. J. Huelin:**

I got this from Planning, from Hugh Clarke. He sent it to me. I was told that I need to read through this to know what they are going to do on that boundary, so I managed to get one. Hugh Clarke sent me that and, you know, there are lots of things in there which do not seem that they have actually adhered to.

**Deputy G.C.L. Baudains:**

Possibly I rather suspect that - obviously we are not able to tie you down on precise times - but I rather suspect that you had the design brief after it had already been passed by the Committee and committed.

**Mrs. J. Huelin:**

Well I hope that after we went to Communicare... we had an open meeting at Communicare in February and it was then I was told to get a copy of this because it would be useful to me and that is what I did. I have had that since February.

**Deputy S. Power:**

So can I clarify my thinking on this then? My understanding, I should say. That is that you at all times, between the original meeting you are referring to in 2001 to the beginning of this year, you have had no contact from the Planning Department, no consultation, nobody has written to you telling you that there was a proposal to build, as it turns out now, 29 3-storey houses in front of you? You have had no contact at all from Planning until you initiated the contact yourselves this year?

**Mrs. D. Canavan:**

Correct.

**Mrs. J. Huelin:**

Yes, the first thing we went to that meeting. It was in the paper that there was a public meeting for us to go and look, at Communicare, which was open for 3 days, and we went to have a look to see what the plans would be.

**Deputy S. Power:**

Right, and that was the first time, in any way, shape or form, that you were aware of anything going on, where the Planning Department were going back to public consultation?

**Mrs. D. Canavan:**

Yes.

**Mrs. J. Huelin:**

Yes, that was the first thing.

**Deputy S. Power:**

Then you saw, for the first time, the 29 houses that we are now talking about?

**Mrs. J. Huelin:**

Yes.

**Mrs. D. Canavan:**

Yes.

**Deputy G.C.L. Baudains:**

I would suspect that that meeting at Communicare was the consultation on the design brief before the Committee had actually approved it. Were any --

**Deputy R.G. Le Hérissier**

No. There is a...

**Mrs. D. Canavan:**

I did not think anything was actually approved.

**Deputy S. Power:**

Nothing is approved.

**Mrs. J. Huelin:**

No.

**Deputy S. Power:**

Deputy Baudains is...

**Deputy G.C.L. Baudains:**

Yes, at the Communicare meeting I would, as I say, I would suspect that it was not at that stage, approved. At that meeting, were comments made and received by the planning officers there? Did anybody write to the department or the -- well, it would have been...

**Mrs. D. Canavan:**

Loads of us.

**Deputy G.C.L. Baudains:**

the President at that stage, to make comments on the brief and did you get replies to that?

**Mrs. J. Huelin:**

Yes, we were given comments forms to fill in, to take away with us and fill in, which we did.

**Mrs. D. Canavan:**

We have never had any replies from those.

**Mrs. J. Huelin:**

No, nothing has ever come of the comments form.

**Mr. D. Carne:**

That was to ...?

**Mrs. D. Canavan:**

Planning.

**Mrs. J. Huelin:**

Hugh Clarke.

**Mrs. D. Canavan:**

Well, it was to Hugh Clarke.

**Mrs. J. Huelin:**

Hugh Clarke, we think.

**Deputy G.C.L. Baudains:**

So, it sounds like lack of communication followed by lack of communication.

**Mr. D. Carne:**

There seems to be a black hole between a name and the department, or something they are responsible for. There seems to be some sort of black hole where things drop in and never reappear or are never answered, or ... Some would say you write to so and so and he will pass it on to who he considers to be in control and therefore in charge of it and then you never hear anything else.

**Deputy S. Power:**

Our recorder is saying that you might get a bit better if you shared the microphone, because she is having trouble picking it up.

**Mr. D. Carne:**

Okay, sure.

**Mrs. D. Canavan:**

Now, we wrote to Mr. Cohen and we did not get any replies, so then Julie phoned up but we were told that it was nothing to do with him; it was Mr. Dupré. So where have the letters gone? Have they vanished into the ether? So then we wrote again to Mr. Dupré.

**Mrs. J. Huelin:**

We had to get all the letters together again.

**Mrs. D. Canavan:**

But we still did not get any replies. I have sent Mr. Clarke some copies of my correspondence, which he should have, and we have not been obtuse. We have been polite, we have been to the point.

**Deputy S. Power:**

As helpful as you can?

**Mrs. J. Huelin:**

Yes.

**Mrs. D. Canavan:**

You know, we are trying to be considerate in everything that we have done.

**Deputy S. Power:**

I can assure you that what you are experiencing in St. Brelade, other people have experienced in other parishes and part of Deputy Baudains' review of the planning process, we are talking about the process here, is to try and find out exactly where this black hole is and why it is that, you know, when you go to the trouble of writing or making phone calls that you are not getting the response you deserve. It is part of, I think, where there seems to be a fundamental flaw in the process, to do with public consultation.

**Mrs. J. Huelin:**

Yes.

**Deputy S. Power:**

We had a witness here this morning who said that, in his view, consultation is a waste of time to a large extent. As Deputy Baudains has implied, the decision may already have been made in certain quarters, but it is because you have gone to the trouble you have gone to and that you have come here today to this planning process, that we will take it to the next stage. Deputy Baudains, I should say, will take it to the next stage and your evidence today will be very much a part of this and you are not alone.

**Deputy R. Le Hérissier:**

Yes, just to try and analyse where things went or did not operate, did you ever hear from anyone in Planning? Hugh Clarke seems to be the only sort of human being you were in touch with?

**Mrs. J. Huelin:**

Yes, he has replied once to us and Mr. Cohen, after I phoned him, a few days later we did get a letter saying: "We are sorry but the wrong department." This department thought they had written and that department thought they had written, and that was virtually it.

**Deputy R. Le Hérissier:**

Yes.

**Mrs. D. Canavan:**

I did get one letter from Mr. Thorne in reply to my letter asking him if he thought we were going to go away and he did reply to that, saying, but he did not reply, as in just a 2 line letter, just a note.

**Deputy R. Le Hérissier:**

Yes.

**Mrs. J. Huelin:**

We have had no proper correspondence from a planning officer.

**Deputy R. Le Hérissier:**

But were you aware that, because as you know the custom usually, until an issue becomes politically sensitive, the custom is that one officer handles the case and was Hugh Clarke that officer?

**Mrs. D. Canavan:**

Well, he is the -- yes, I still do not know if he works for Planning, or --

**Deputy R. Le Hérissier:**

Yes he does, on a contract basis.

**Mrs. D. Canavan:**

Because that is who we saw at Communicare, but we were told as well that Mr. Dupré was dealing with it.

**Deputy R. Le Hérissier:**

Well, he would only deal with it because he was the politician in charge of the Panel and he would take that kind of political decision as to whether or not the development would go ahead, but I rather suspect



that, rather like the appearance of Senator Horsfall which we are still trying to sort of work out, I rather suspect it preceded Mr. Dupré's assumption of the position. Because these things unfortunately, well as you have just said, they are years in the works and he would simply come to something that had already been decided. So you should probably not have been referred to him, but anyway that is another issue. Back to the issues, just to analyse because as Sean said we are trying to work out what goes right and what goes wrong with the system. We obviously have a fair amount of what goes ... so, there is communication, there is the black hole, there is the inability to identify one clear person to relate to and being bounced about within the department, there are meetings that were well run but basically just did not get anywhere and so forth. Is there anything else?

**Mrs. D. Canavan:**

I have got quite a few things.

**Deputy R. Le Hérisier:**

Anything like, that you can say this is where the system broke down? What other areas do you think it broke down in?

**Mrs. D. Canavan:**

We are a bit concerned that you have got plans but we have got more plans but nobody else has got more plans.

**Deputy R. Le Hérisier:**

Do you mean different plans? Yes.

**Mrs. D. Canavan:**

So the builder has sent us different plans, wants to meet us. Nobody else has had those plans.

**Deputy R. Le Hérisier:**

Yes.

**Mrs. J. Huelin:**

Mr. Clark has not got them. We have been writing to him about the plans but he has not got the plans, apparently.

**Mrs. D. Canavan:**

We thought Planning would have had them.

**Mrs. J. Huelin:**

But he has not got the plans, apparently.

**Deputy R. Le Hérissier:**

He has not got them?

**Mrs. D. Canavan:**

No.

**Mrs. J. Huelin:**

He has not got the plans.

**Deputy R. Le Hérissier:**

So what are these plans he is going to turn up with? You said he is coming to come with ...

**Mrs. D. Canavan:**

I have got them here.

**Deputy R. Le Hérissier:**

You have got them and this is the latest set of plans you have received?

**Mrs. D. Canavan:**

Yes.

**Deputy S. Power:**

I think what is happening here is that the developer is -- because the design brief is still a draft and has not been finalised, the developer is probably trying to negotiate and put his case to the local residents but it is not going to be as controversial or as nasty or as harsh, but in actual fact, from what my understanding is, it is very little different from the original scheme.

**Mrs. J. Huelin:**

There still are 3 floors of accommodation.

**Mrs. D. Canavan:**

If their houses are here, as we are, here, they have dropped the one in front of Julie and the one in front of Le Clos Orange but the one in front of me they have kept high and my architect tells me that that is going to stop my light in the winter. I am not going to have any light in the winter.

**Deputy G.C.L. Baudains:**

It does occur to me that having just spoken to our officer here, that the design brief has probably not yet been agreed by the Panel.

**Deputy S. Power:**

No. It is a draft.

**Deputy G.C.L. Baudains:**

It is still in draft.

**Mrs. D. Canavan:**

That is why we asked Hugh Clarke; is there a second one that we do not know about?

**Deputy G.C.L. Baudains:**

So, the situation at the present time is that you urgently need to get responses to your letters, which are now 4 months old?

**Mrs. D. Canavan:**

Some of them are a few years old.

**Deputy G.C.L. Baudains:**

I notice that one of the letters from yourself is to Senator Cohen, no, sorry from Mrs. Huelin to Senator Cohen at his home address. The others were addressed to the Senator at his South Hill offices. Have you had any reply from the letter that was sent to the home address?

**Mrs. J. Huelin:**

No, we have not.

**Deputy G.C.L Baudains:**

Because I know there have been difficulties with letters sent to South Hill getting lost in the --

**Mrs. D. Canavan:**

What, delivered by hand?

**Deputy G.C.L Baudains:**

-- process. Well --

**Mrs. D. Canavan:**

We sent the same letter to other people.

**Deputy G.C.L Baudains:**

When I say "lost", I do not mean lost as not delivered, I mean --

**Deputy R.G. Le Herissier:**

Lost in the internal mail.

**Mrs. J. Huelin:**

No.

**Mrs. D. Canavan:**

No, not when I have sent the same letter to several people.

**Deputy G.C.L Baudains:**

In the internal process it has happened before that --

**Mrs. J. Huelin:**

There have been 2 or 3 go to Planning at the same time.

**Deputy G.C.L Baudains:**

-- they have been passed from one area within the department to another and one person thinks it has been responded to and so does another one and it does not get attended to at all. So, presumably, your political representative has taken this up with the Minister?

**Mrs. D. Canavan:**

Yes.

**Mr. D. Carne:**

Yes.

**Deputy G.C.L Baudains:**

And has had a response?

**Deputy S. Power:**

No. I have asked Senator Cohen and some of the officers listed in Diane's list and I have actually written to them by email wanting to know when is the likelihood of a reply and I did not receive a reply.

**Deputy G.C.L Baudains:**

In the midst of all this communications exercise, would it not be possible – **[mobile phone rings]**

**Mrs. D. Canavan:**

Not me, sorry.

**Mr. D. Carne:**

No. I will switch it off.

**Mrs. D. Canavan:**

I do not have a mobile phone.

**Deputy R.G. Le Hérissier:**

Could be Senator Cohen, of course!

**Deputy R.C. Duhamel:**

Yes, it could be.

**Deputy G.C.L Baudains:**

This is why you do not get a reply from the Senator. You keep switching him off. So, seriously, it does occur to me that in view of this lack of communication, nobody knows who has got what. I would have thought that you really need to not only make a comment to the Minister on the lack of response but also seek, perhaps, that no decisions will be taken by his Panel until this communication issue has been resolved. Have you written in that vein at all?

**Mr. D. Carne**

No reply.

**Mrs. D. Canavan:**

Just nobody replies to us, period. I mean, what else can I do besides go and beg or whatever?

**Deputy R.C. Duhamel:**

I think what needs to happen is that there are clear procedures when letters are written to Department. They have to be logged. They then get passed down to the officers and then they get filed in the relevant sections and individual politicians are at liberty, if they wish, to go to the department and look at those files so, bearing in mind that you do have the dates at which you wrote to the various people in Departments, I think it would be a simple matter for any elected politician to make a particular query on your behalf and that is what I advise doing.

**Mrs. D. Canavan:**

I have sent correspondence to Mr. Clarkson, yes? I have 2 more if you want them about Mr. Clarke.

**Deputy G.C.L. Baudains:**

The thoughts I was having was that if we do not know whether or not the right people have received the

comments that you have been sending in --

**Mrs. D. Canavan:**

When I have written to all of them?

**Deputy G.C.L. Baudains:**

No, just bear me out. If we are not certain that these people have received this there could be a problem if the Panel then decides to adopt the development without having had sight of these comments. You need to ensure that they have.

**Deputy R.C. Duhamel:**

It is just interesting to note from my perspective. I was on the Planning Committee for some 7½ years. I am not on it now, I might add, but Hugh Clarke, one of the persons you refer to, he is not actually a planner, he is an architectural designer and he is called upon as Deputy Le Hérissier said, for comment on architectural design issues. So if these people are involved, then it sounds as if the design framework is not completely sorted as yet.

**Mrs. D. Canavan:**

Can I ask you a few questions, please?

**Deputy R.C. Duhamel:**

Yes.

**Mrs. D. Canavan:**

Is that all right?

**Deputy R.C. Duhamel:**

Yes, please do.

**Mrs. D. Canavan:**

In the builder's letter - and I will give a copy - he states that the houses are to be all 2-storey and in a telephone conversation when asked if he was going to apply for loft conversions, he stated: "Possibly" which brings us back to square one and that is 3 floors of accommodation. So why do they not say? Also regarding that, roofs of houses seem to be already cut to take dormer windows before apparently planning approval, i.e. Leonard's garage site. So does that mean that developers can do what they like after original planning acceptance and that Planning just stamp it?

**Deputy S. Power:**

Can I just clarify that. It appears from what - and I have actually seen this myself - and what I am

saying is that the Leonard's garage site, there was a 2-stage, and this again deals with the problem of planning process, an application was made on behalf of the developer to erect these houses and the configuration you see. He did not apply for accommodation on the third floor in the roof space but, as the house construction advanced, it was very clear to see and there are photographs available of this, that the actual loft conversions and the Velux windows, for want of a better phrase, the apertures were already cut and then an application was put in retrospectively, or not retrospectively but to allow for loft conversions to be used for accommodation. It appears as the development progresses at Leonard's garage that they had already built in and designed what they were applying for after the thing goes up. It is in existence. That is an issue.

**Deputy G.C.L. Baudains:**

It either falls into the category of a retrospective application because work was already started before an application has been put in or it could fall into the category of perhaps the developer was hoping that Building Control will be another avenue he can explore.

**Deputy S. Power:**

Well, in terms of the planning process, why is it done in 2 stages?

**Deputy G.C.L. Baudains:**

Well, one can only speculate.

**Deputy S. Power:**

So it is something that we need answers to. I think --

**Deputy G.C.L. Baudains:**

It is a whole grey area.

**Deputy S. Power:**

I think in the case of what is happening at the moment, it is symptomatic of 3 issues. Number one; the first issue is that public consultation process that originally took place in 2001 and this meeting you are talking about with former Deputy Layzell and former Senator Horsfall indicate a type of development. When it came out of the system, back in February this year, it has turned from single-storey dormer type development as you were told in 2001 to in 2006 being a 3-storey development similar to what is going up at Leonard's at the moment. The second problem is the draft design brief that has now been completed, or the version that you have a copy of, endorses this 3-storey development. The third problem we have is that the communication, the efforts you have made to communicate with the Planning Development South Hill has not been reciprocated. You have gone to a lot of trouble. You have organised yourself into a fairly robust group out there at La Moye and you have attempted as a group to communicate to South Hill, singly and jointly, and it has not been reciprocated. So those are

the 3 issues that I think are relevant to this planning process enquiry and I think the evidence is pretty clear from this afternoon that there is a major problem.

**Deputy G.C.L. Baudains:**

Well, if there is not a meaningful interaction between the public and the planning process then I am not sure how the planning process can operate satisfactorily. So, clearly, I mean, the almost singular problem that is facing you is lack of communication.

**Mrs. D. Canavan:**

Yes.

**Deputy G.C.L. Baudains:**

You have gone through all the proper procedures, written to people. The design brief is probably one of the later ones to come up from the Island Plan. I am glad to hear that it is still in draft form.

**Deputy S. Power:**

You are very lucky that it is still draft.

**Deputy G.C.L. Baudains:**

I had presumed when we started that it may have been approved by now because most of the others have but, of course, you are not making progress if it is a one-way conversation.

**Mr. D. Carne:**

It needs to be --

**Mrs. D. Canavan:**

Can I say that Mr. Clarke in his last letter stated that the matter will be referred to the Planning and Environment Minister but when we wrote to Mr. Cohen and got no reply, we were informed that Mr. Dupré was dealing with this, so who is actually dealing with these decisions?

**Deputy G.C.L. Baudains:**

Could I clarify that for you? In the first instance, it would go to the Planning --

**Deputy S. Power:**

Planning Applications Panel.

**Deputy G.C.L. Baudains:**

Planning Applications Panel, which is chaired by Constable Dupré. Normally, the Minister would not come in at this stage.



**Mrs. D. Canavan:**

Yes.

**Deputy G.C.L. Baudains:**

So it will be -- I cannot remember the membership of the panel but --

**Deputy R.G. Le Hérisssier:**

Constable of St. Peter and Deputy Pryke.

**Deputy G.C.L. Baudains:**

It is chaired by Constable Dupré. So this is what I was saying earlier about communications and it is vital that the right people get the letter. Those are the people who are making the decision. They will approve or otherwise this design brief which, once it is approved, is virtually cast in stone and it is what is going to be built there. It is important that the people who are going to make the decision have sight of the letters and we have no - as I see it at the moment - no reason to believe that they may have done because you will have written to--

**Mrs. D. Canavan:**

Well, we wrote to Mr. Dupré.

**Deputy G.C.L. Baudains:**

To Mr. Dupré.

**Mrs. D. Canavan:**

And Mr. Cohen and Mr. Le Main and Mr. Thorne.

**Deputy G.C.L. Baudains:**

Well, yes.

**Mrs. D. Canavan:**

Who else can I write to?

**Deputy G.C.L. Baudains:**

Well, of course, Senator Le Main is not is not on the Planning ...

**Mrs. D. Canavan:**

But he said when we met him at the meeting --

**Deputy G.C.L. Baudains:**

He is the Minister of Housing so he...

**Mrs. D. Canavan:**

Yes, but he said he had the wherewithal to say what went up on that site.

**Deputy S. Power:**

Senator Le Main indicated that he had a... because of the split 45/55 --

**Deputy R.G. Le Hérissier:**

Oh, yes, yes.

**Deputy S. Power:**

-- that he had an input into how the final configuration of the development would work.

**Deputy G.C.L. Baudains:**

Well, that may or...

**Deputy S. Power:**

He indicated to these ladies and to those, I think, in the room that night --

**Mrs. D. Canavan:**

Well, you were there.

**Deputy S. Power:**

Yes - that he was unhappy with the scale and size of the development. He made that very clear.

**Mrs. D. Canavan:**

Yes.

**Deputy G.C.L. Baudains:**

Well, his involvement may or may not happen, depending on how the site is divided up. As I say, the important people are the ones who make the decision and that will be the Environment Planning Applications Panel.

**Mrs. D. Canavan:**

Again, we asked Mr. Clark that and he did not come back to us. Who is it that says how it is going to be split and how it will be situated as in the split, because nobody will tell us that either.

**Deputy G.C.L. Baudains:**

As you know it is a 45/55 split but there have been an awful lot of horse-trading across the whole of the Island. You might find that that site is all social housing or it might be all first time buyers. It is unlikely to be a mix. And of course...

**Mrs. D. Canavan:**

Yes, but who is the body that tells us that?

**Deputy G.C.L. Baudains:**

The Planning Minister or his officers will decide what is acceptable. If a developer will come along and say: "I can provide first time buyers on this site and I can trade off social rented housing on another site" providing the figures add up, the Department will approve it. It is quite complicated. There have to be guarantees that one site does not go ahead without the others as happened at St. Ouens.

**Deputy R.G. Le Hérissier:**

You see, apropos Mrs. Canavan's question, the decision will be taken by the Planning Panel but the final decision will be taken by the Minister. He usually listens to the Planning Panel but if they are contentious decisions or big decisions or whatever, he will take them out of the system and make the decision personally.

**Deputy G.C.L. Baudains:**

I mean, to go back to one of your original questions, providing you write to Peter Thorne, the Director of Planning or the Minister or Constable Dupré, either of those 3 should ensure your correspondence is landing in the right place.

**Mrs. D. Canavan:**

That is what I thought.

**Deputy G.C.L. Baudains:**

You have done that.

**Mrs. D. Canavan:**

Another thing, Mr. Clarke said that it was a positive development to enter into a conversation with the builder. That is in his letter. When Julie spoke to him on the telephone previously, he said not to do this and: "Planning would not advise this." So, one minute, he is saying it is quite a good idea to enter into conversation with the builder and then before he said not.

**Deputy G.C.L. Baudains:**

You said a little while ago you had a set of plans the developer wanted you to see. Have these been the

subject of a planning application or are they merely an idea that the builder has?

**Mrs. J. Huelin:**

He just sent them to us, I think, to see what we think, because of our comments.

**Mrs. D. Canavan:**

As lay people, you understand that we do not understand plans properly and we do not want to go and put our proverbial foot in it and say something that we should not be saying because -- so one person is saying, you know, one minute he is saying do not enter into conversations with the builder and the next minute, he is saying, do.

**Deputy G.C.L. Baudains:**

Well, first of all I --

**Mrs. D. Canavan:**

I am confused.

**Deputy G.C.L. Baudains:**

-- do not represent your particular Parish. It is not for me to give advice but all I can say is what I would recommend if it was somebody in St. Clement coming to me and that is I cannot see any harm in meeting with the builder or the developer but I would not obviously agree to anything.

**Deputy S. Power:**

I think if you were to meet with the developer, you would have to meet with the developer as a group rather than go one by one.

**Mrs. J. Huelin:**

He only wanted --

**Mrs. D. Canavan:**

He did not want that.

**Mrs. J. Huelin:**

-- people that live on the -- he did not want a whole group of people.

**Mrs. D. Canavan:**

He just wants us.

**Mrs. J. Huelin:**

He just wants the people on the --

**Deputy S. Power:**

On the Committee.

**Mrs. J. Huelin:**

-- field.

**Deputy S. Power:**

Oh, the 4 or 5 houses that are really affected by all this.

**Mrs. J. Huelin:**

Yes, he just wanted to meet with those people.

**Deputy S. Power:**

Yes. How many people have signed your petition, 270 something?

**Mrs. J. Huelin:**

290 something, I believe ... 294.

**Mr. D. Carne:**

Yes, but the developer only seems to think that it matters to the people --

**Deputy S. Power:**

The 4 houses in --

**Mr. D. Carne:**

-- who border the development when it does not actually. People...

**Mrs. J. Huelin:**

It affects everybody with traffic and everything else.

**Mr. D. Carne:**

...are upset about the type of it. It is out of keeping with the area. It is like you put on a brown site in the town, you know, it just does not fit out there.

**Deputy G.C.L. Baudains:**

I mean, the only comment I would make, looking at these plans, is that if you saw plans which provided what it was you were hoping was going to be on the site, you would at least be in a position to say to the

Planning Authority: “The builder has got some plans that do what we want.” He might then submit them but obviously submitting plans costs money so he is not going to be submitting plans all the time. I do not think you have anything to lose providing, obviously, you did not sign off a piece of paper saying: “I like his plan.”

**Mrs. D. Canavan:**

But the a lot of the plans -- sorry, in the plans, it has got the buildings - say they are going to be 2-storey high so why are the roofs 4½ metres high? Surely --

**Mr. D. Carne:**

A 45 degree pitch.

**Mrs. D. Canavan:**

They are 47 degree pitch so surely a roof should not dominate the blockwork of a house and if the roofs were 30 degrees instead of 47½ degrees, reducing the height by therefore 2 metres, they would be more in keeping with Le Clos Orange.

**Deputy R.C. Duhamel:**

I think, though, when you mentioned earlier that the original design brief said that there was a potential for varied design forms and that is what they are actually taking into account. It is very much not an absolute science as an affair for Planning, it is very much kind of trying to work out where the boundaries are and bring forward a balanced judgment.

**Mrs. D. Canavan:**

Yes, but surely they do not put 47 degree pitch roofs next to bungalows?

**Deputy R.C. Duhamel:**

Well, again, I mean, it is down to a taste thing. I mean, it does happen.

**Mrs. D. Canavan:**

Well, can I just say that it was in the paper on Friday about this planning meeting that only one person went to. Well, apropos because nobody knew about it. If we were told about it, then we would have been there and that is when they agreed Leonard’s site.

**Deputy R.C. Duhamel:**

Yes, this is a new system and the Planning have opened their doors to the public for the first time to come to any of the planning meetings.

**Mrs. D. Canavan:**

Yes, but --

**Mrs. J. Huelin:**

But they did not advertise it.

**Mrs. D. Canavan:**

They did not advertise it.

**Mrs. J. Huelin:**

We had an interest in the Leonard's site and we would have been there but nobody told us. We had written in to the Planning but nobody told us that the meeting was going ahead.

**Mrs. D. Canavan:**

Can I just quote they asked architects to take another look at plans to use wooden cladding on the expansion of Cleveland Clinic which they felt would look out of place in the street. So, they think that that looks out of place in the street but they do not think that 3-storey houses looks out of place on a rural area.

**Deputy G.C.L. Baudains:**

Could I just come back to the comment that Mrs. Huelin made which is important to understand, that that is while the meetings are open to the public, that does not provide that you can partake in the meeting. You can only be there as an observer.

**Deputy S. Power:**

I think the point Mrs. Huelin was making and Diane has been making is that, in their opinion, it was not sufficiently well notified or advertised and because they have a material interest and because of their track record of writing to the Department with their interest in fields 190, 192 and because of what is happening on the Leonard's Garage site, I would have thought it necessary, even fair, just on the basis of fairness to show due diligence to the planning process that they should have been notified.

**Deputy R.C. Duhamel:**

Yes.

**Deputy S. Power:**

Given the amount of effort they have made to stay in touch so what happened last week was that the Planning Applications Panel met to consider the loft conversions on the Leonard's Garage site and the loft conversions were approved and they were not notified of the meeting and that, again, is another indication that the communications coming from South Hill are not sufficiently good enough when people go to the trouble that these people have gone to. I think the system is flawed.

**Deputy R.C. Duhamel:**

That is a good point.

**Deputy R.G. Le Hérissier:**

I should add actually that it has been the protocol in planning, and it may change once it starts rolling, Sean, the protocol is that they will not listen directly to grievors or neighbours but they will listen to a political representation. Did you make a representation to be there?

**Deputy S. Power:**

I was not notified.

**Deputy R.G. Le Hérissier:**

Yes, see, there has obviously been a break in -- to put it mildly, there has been a break in communication but they generally listen to the political representative who is accompanied by the residents and you get your 3 or 4 minutes' worth and that is how it operates.

**Deputy S. Power:**

Well, as a result of that incident last week, I wrote to the Planning Minister at the weekend --

**Deputy R. G. Le Hérissier:**

Good.

**Deputy S. Power:**

-- asking him that in future anything to do with fields 190, 192 I am notified of, so that I can pass that on. This is another example where I think the planning process is not working when people have a material interest or a neighbourly interest in what is going on that directly affects their rights of life, the value of their properties and what I call, what we all call, the lifetime enjoyment.

**Deputy R.G. Le Hérissier:**

The other aspect that should be made, I do not know, maybe the highly esteemed Chairman could comment, but there was an appeal process also from decisions and the problem with the last system used to be often it was the same Committee listening to the appeal. I think there is still an appeal process so somebody ought to put in a letter very quickly saying: "We wish to appeal against the finding of what occurred last Thursday."

**Deputy R.C. Duhamel:**

I think the difficulty here is --



**Deputy R.G. Le Hérisier:**

You will be invited to an appeal.

**Deputy R.C. Duhamel:**

I do not know whether it is because a lot of the representation has gone through Deputy Power and perhaps Deputy Power was not as *au fait* with the way the system worked as perhaps the older and more established Members of the House are but, certainly, I mean, the way the system works is, as has been referred to by Deputy Le Hérisier in that if there are residents who have got particular grievances, they get in touch with their local Deputy. Their Deputy is entitled to make a representation on behalf of any residents or anybody else for that matter and the very first thing that happens is that that Deputy must send in a request to the Planning Department to insist on being at the meetings when any discussions on that particular proposition or application is going to be considered. Now, if those letters did not go in, then, under the old law - and it is slightly different under the new interpretation - the Planning Department were not under any particular duty to inform all and sundry, not knowing that there might be an odd Member or 2 who had not been in the right place at the right time to make the representation.

**Mrs. D. Canavan:**

Well, surely if was not politic to write in, surely with us keeping writing in letters that they -- all they have to do is a 2-line letter back to us to say: "Could you send any correspondence through Deputy Power?" I mean --

**Deputy R.C. Duhamel:**

They could do but I think it is up to the individual who is acting on your behalf to be proactive, not for the Department under the old law.

**Deputy G.C.L. Baudains:**

But that does not detract from the fact that letters from the parishioners to the Minister and to the department have gone unanswered which is --

**Mrs. D. Canavan:**

Correct.

**Deputy R.C. Duhamel:**

That needs looking into yes, for sure.

**Mrs. D. Canavan:**

We are human beings and I would like to be -- I am trying to respect people as other human beings and I would like to have that respect back.

**Deputy S. Power:**

I have personally spoken to the Planning Minister on at least 4 occasions when I knew that a planning application for loft conversions had gone in.

**Deputy R.C. Duhamel:**

Sure, but have you...

**Deputy R.G. Le Hérissier:**

You have got to get to the officer who is handling the case.

**Deputy R.C. Duhamel:**

...actually reviewed the files?

**Deputy S. Power:**

No.

**Deputy R.C. Duhamel:**

No, well, that is what you need to do.

**Deputy S. Power:**

Okay, so on what Roy has said, they have the right to appeal that decision.

**Deputy R.C. Duhamel:**

I am not sure. I mean you would have to --

**Deputy R.G. Le Hérissier:**

They certainly used to. I am not absolutely sure but --

**Deputy R.C. Duhamel:**

Yes, but it would have to be an appeal on specific grounds and I am not sure whether or not it would be sufficient in this particular case to say that the residents who are aggrieved, having thought that they would have been in an automatic position to make a representation to the Committee and not having been in that position, I am not sure that is sufficient grounds in its own right to appeal the decision.

**Deputy R.G. Le Hérissier:**

Well, if there is this history of miscommunication, I think it is worth trying.

**Deputy R.C. Duhamel:**

It is worth trying, yes.

**Deputy R.G. Le Hérissier:**

You should immediately say that they... or... but under the old system you were allowed to appeal on the grounds that we still retain our objection to this development.

**Deputy R.C. Duhamel:**

Yes.

**Deputy R.G. Le Hérissier:**

Then they will bring another group of people forward, there are some reserves on the Panel, to listen to it.

**Deputy R.C. Duhamel:**

The difficulty with the Planning Committee agreeing the overall envelope of the building, if it has got a high-pitched roof, then, technically, if there is space within the roof void that is capable of taking further residential development, the Planning Department have conceded the principle that that residential development might take place at some stage by actually agreeing the outline so once it gets to that stage, it is generally too late. That said, as part of an appeal it might be an interesting point to take forward. There may be an opportunity because if you do allow the overall envelopes to go up, you are looking ahead of time and saying, right, there will be an increase in the density of the development at some particular point.

**Mrs. D. Canavan:**

Yes, but they are doing it before they are even built.

**Deputy R.C. Duhamel:**

Yes, yes, but there is nothing in the Planning law to say that once you have built a particular style of building that it cannot be redeveloped to take extra people at a later point in time. In the same context, I mean, it might be interesting as well to pursue individual applications on behalf of those persons who are living in bungalows next door to the higher developments to see whether or not the Planning Department would entertain the conversion of bungalows on the same grounds that they are allowing higher buildings and bungalows to be built next door to you and one would expect that they would have to treat you in a similar fashion.

**Deputy S. Power:**

Are you suggesting that Diane would put two floors on top of -- **[Laughter]**

**Deputy R.C. Duhamel:**

Yes. Absolutely.

**Deputy G.C.L. Baudains:**

Could I make a comment here, Chairman. It seems that we are getting away from the topic under review.

**Deputy R.C. Duhamel:**

Yes we are.

[Laughter]

**Deputy G.C.L. Baudains:**

I wonder if we should consider closing the review and then continuing this conversation afterwards because we are here to gather information on the process and we have for the last few minutes been --

**Deputy R.C. Duhamel:**

I think that is a fair point. Do you have any more questions?

**Mrs. J. Huelin:**

I would like to know how, when the builder puts his plans in, he can call them 2-storey houses but do massive roofs because when the Leonard's Garage was put out, everybody was told they are 2-storey houses so the residents thought, well, a 2-storey house is... Normal people think 2-storey houses, 2-up 2-down type of... that size, small roof but he is calling these houses that he is building everywhere 2-storey and people are thinking: "Well, that is fine, you know, if he would have told us that" but it is only we have seen the Leonard's Garage site and realised that what he calls 2-storey are 2-storey with this massive roof which he later puts in an application for loft conversions. Surely that should not be allowed. He is going to do that with ours. He is written to me saying: "You will see that the houses are 2-storey", so I phoned him and asked him: "Will you be putting loft conversions in as you have done on the next site" and he said: "Possibly." We know he is going to and I do not see how these builders can get away with telling people they are going to have 2-storey next to them when they are going to end up with 3.

**Deputy G.C.L. Baudains:**

Well, I would imagine that the Planning Committee, or the Planning Panel would be fully aware by the -  
-

**Mrs. J. Huelin:**

But the people on the street are not --

**Deputy G.C.L. Baudains:**

Well that is as maybe but --

**Mrs. J. Huelin:**

--that they will be building next door to.

**Deputy G.C.L. Baudains:**

That is where your political representative should be objecting to plans for developments of more than... I certainly do, for more than one or 2 houses, look to see exactly what is involved and then make representations to the Planning Panel as I see fit. If --

**Mrs. D. Canavan:**

Because the people at Le Clos Orange, that is why they did not oppose Leonard's because they were told it is 2-storey buildings.

**Deputy G.C.L. Baudains:**

Well, in actual fact, I mean, that would be determined as a 2½ storey if the roof space is being used.

**Mrs. D. Canavan:**

Yes, but the roof is a roof. A normal roof is not 47½ degrees and that is what they are on our plans and that is what they are on theirs.

**Deputy R.C. Duhamel:**

It is developers telling tall stories, is it not?

**Deputy S. Power:**

I think in terms of what is happening, the planning process on fields 190 - 192 is now being watched with diligence. The planning process that took place on what is referred to as Leonard's Garage site in actual fact crept up on everyone because nobody was watching it. I was not in the States. It was approved last year. They started construction in February exactly at the same time when they went out to public consultation on Fields 190 and 192 so what happened then was these good people went to public consultation at Communicare, saw what was being proposed on Fields 190 and 192 and at the same time, or within weeks, you saw how quickly a 2½ storey house can go up on the Leonard's garage site and they were obviously appalled. What has since happened is that there has been a planning application to do loft conversions as part of the normal planning process. The Minister for Planning has stopped construction of garages out there because they are not where they should be. They have moved some of the houses back towards the houses on Le Clos Orange so it is like... I think for Diane and for Julie and for me to a certain extent, it is like a moving target the whole time. To be honest with you, being a new States Member, I was not aware that I had the rights to go to a planning process and go up and act because had I known that thing was going on last week, I would have been up there.

**Deputy R.G. Le Hérissier:**

Yes, quite.

**Deputy S. Power:**

But, as it was, I was not notified, you were not notified and it was in passing somebody said to me in the States building on Friday they were passed yesterday. Not by the Planning Minister but by the Planning Applications Panel so if ever I have heard evidence whereby the planning process is not acting in the public's best interests, this is another example of it and I think we are watching Fields 190 and 192 and what happens there but what has happened on the Leonard's garage site, with or without loft conversions, it is too late for that one, it really is. But on your... on the fields in front of your single-storey dwellings, we will make sure that planning process acts in a correct way and a response to that is that it has gone unanswered and that your concerns will be taken into account, particularly when you have started the meeting by saying that, at the public consultation 5 or 6 years ago, you were told they would be single-storey dormer type bungalows.

**Mrs. D. Canavan:**

Well, low level or dormer --

**Deputy S. Power:**

Low level and, you know, no alarm bells went off.

**Mrs. D. Canavan:**

No.

**Deputy S. Power:**

The alarm bells have gone off now because you have seen what is going on on the other site. Sorry to go off on a diversion.

**Mrs. D. Canavan:**

Can I ask something, please? The Island Plan, (a) I feel that the type of houses that they are doing are not in the spirit in accordance with the Island Plan, that is one thing. When the Island Plan decided that there was going to be 27 houses in fields 190 and 192, but there is now 16-18 on Leonard's site, so surely that should be taken into account because how much can that small area take? Because obviously there is more traffic which I do not want to bore you with but another 150 children, plus the traffic and plus the schools. We were categorically told that La Moye school and Les Quennevais school cannot accept children so people are going to have to have more traffic on the roads to take the children to school.

**Deputy G.C.L. Baudains:**

But this appears to be an Island-wide phenomenon where we have asked the question before. The people

we have interviewed... Do you believe that there should be an overview because, at the present time, as you probably appreciate, each application is judged on its own merits, regardless of what has happened next door or might happen next door but the cumulative effect can be a disaster.

**Deputy R.G. Le Hérissier:**

Certainly.

**Deputy G.C.L. Baudains:**

Do you think there should be an overall plan for an area, or even the Island at a much higher level or should applications be --

**Mrs. D. Canavan:**

Well, we are only 9 by 5. Surely it should be --

**Deputy G.C.L. Baudains:**

-- determined on each ... you see Leonard's Garage will be determined by itself as if it was a little island on its own and so you will feel 190 and 191 will be determined regardless of... Leonard's garage does not exist while they are looking at that.

**Mrs. D. Canavan:**

Surely the whole thing has got to be taken as an overall thing. I mean it is like --

**Deputy G.C.L. Baudains:**

Well it is not. You think it should be?

**Mrs. D. Canavan:**

Yes.

**Mrs. J. Huelin:**

Traffic-wise --

**Mrs. D. Canavan:**

I mean, I believe it was mentioned or mooted in the States that there should be no more buildings in the West until Beaumont is sorted out. Surely when people are doing, to my mind, any building, the whole caboose has got to be taken into the scenario, surely, the schools, the traffic. We have only got... Route Orange is the only road in towards town from St. Ouen's from Petit Port, from Corbière. It is the only road. How much traffic can it take? You want it to... we live up the little lane Clos Touris and today, how long did we wait to get out on to the main road?

**Mr. D. Carne:**

More than 5 minutes but you can do that anywhere on the Island, that can happen.

**Mrs. D. Canavan:**

But we have got another 150 cars going to be coming past us.

**Deputy G.C.L. Baudains:**

Now, you have just raised an issue of traffic. Are you aware whether or not your Roads Committee, which is possibly headed by your Constable, has made comments to the Planning Authority as to the traffic? Any concerns his Roads Committee may have on traffic issues?

**Mrs. D. Canavan:**

Well, he must know because he has had copies of all our letters but I believe also that the Reverend Mark Bond is also on the Roads Committee.

**Deputy G.C.L. Baudains:**

Because as --

**Mrs. D. Canavan:**

The Reverend Mark Bond is selling the fields -- the church field to the builder.

**Deputy G.C.L. Baudains:**

As my Chairman was saying, it is not for the Planning Committee or Panel, should I say, to be proactive. It relies on information coming into it and the public services should be making comments when main roads are involved. The Parish can make comments on main roads but especially if by-roads are involved and the Education Committee should be making representations as to what effect it may or may not have on schools and all this information is collated and it is on that information that the Panel determines whether to approve the application or not. If information is not sent, then the decision is made without that information. That is why I wondered whether you were aware or not if your Roads Committee had --

**Mrs. D. Canavan:**

I do not know.

**Deputy G.C.L. Baudains:**

-- made comments on it because that would carry weight.

**Mrs. D. Canavan:**

Do you know anything?



**Deputy G.C.L. Baudains:**

As I say, this is a process review and it is to do with process and procedure. This is where these things can go wrong if the correct processes and procedures are not followed.

**Deputy S. Power:**

The Roads Committee for the Parish of St. Brelade were consulted in 2002 about the re-zoning of fields 190 and 192 and they expressed some views but not an objection. That was in 2002. The fact that the composition of the Roads Committee has now changed means, I think, that -- I have already asked the Constable for a meeting. I have a meeting with the Constable on 18th July - 18th August about this to discuss that area because one of the new members of the Roads Committee is Jonathon Bisson, who lives out at La Moye and he has concerns about it so I think there may be a revisit as to what the original Roads Committee report was and I think it is a valid point in planning process, Deputy, that they do take into account the views of the individual Parish Roads Committees so it is something that will hopefully change in August.

**Deputy G.C.L. Baudains:**

All right, well I raised the matter because of this communication breakdown whether these matters have gone in as well.

**Deputy S. Power:**

The complications of the process on this side are made more complicated because the Parish of St. Brelade is part vendor of one of the fields.

**Deputy R.G. Le Hérissier:**

Yes, well, that is what Ms. Canavan said.

**Deputy S. Power:**

Because the Parish of St. Brelade, as all Parishes do, owns the Parish church.

**Deputy R.G. Le Hérissier:**

Yes.

**Deputy S. Power:**

Owns the Fishermen's chapel, owns the rectory, owns the church Parish hall and all associated buildings that are part of the Anglican Church in St. Brelade.

**Deputy R.G. Le Hérissier:**

Yes.

**Deputy S. Power:**

As such, the Parish of St. Brelade is part of the process of disposing of this field because the Parish church at St. Brelade own it. Is it called Glebe?

**Deputy R.G. Le Hérissier:**

Glebe land.

**Deputy S. Power:**

Glebe land.

**Deputy R.G. Le Hérissier:**

That is right, yes.

**Mrs. D. Canavan:**

We went down to Reverend Bond and appealed to his whatever but--

**Mrs. J. Huelin:**

Non greedy nature but it did not work.

**Mrs. D. Canavan:**

Could I ask as well on the Leonard's site that each house has been moved 18 inches down and the garage is one metre down closer to Le Clos Orange people so, possibly being a bit thick, but who sanctions that and who... Does Planning go and check or do they know what they are checking?

**Deputy R.C. Duhamel:**

Yes, they do normally, there are building regulations over and above and there are officers of the department whose job it is to check to make sure that the buildings are built according to what is on the plans.

**Mrs. D. Canavan:**

So --

**Deputy R.C. Duhamel:**

From time to time, mistakes do happen and there is submissions --

**Mr. D. Carne:**

Not if you are building a conservatory.

**Deputy R.C. Duhamel:**

Ah, well, no. You would be surprised.

**Mr. D. Carne:**

Or something else attached to your own house but if you are building a large number of houses, it is not necessarily so. It can be 18 inches out, you know. It hardly matters.

**Deputy G.C.L. Baudains:**

The Minister has to take a view on such things and if the buildings are not built according to plans, he can order their demolition.

**Deputy R.C. Duhamel:**

He can.

**Deputy G.C.L. Baudains:**

Now, obviously there needs to be some flexibility and if it is a foot out because boundaries are not precise or a genuine mistake has been made, he will make a determination whether it is really sensible to pull that building down or not or he might apply other sanctions. I believe in the particular case you are talking about the Minister has decided that the buildings can stay but the garages have to move.

**Deputy R.C. Duhamel:**

Right.

**Mrs. J. Huelin:**

That is what makes us scared, that if it is happening there, we do not want that happening next to us.

**Deputy R.G. Le Herissier:**

Yes.

**Mrs. J. Huelin:**

I mean, they are going to close enough to us as it is and we do not want them being put in the wrong place and having all this aggravation so faith in planning is --

**Mrs. D. Canavan:**

Non-existent.

**Mrs. J. Huelin:**

-- very low.

**Deputy G.C.L. Baudains:**

What you are describing there is what would be a more material consideration whereas a mistake made then they probably would have to be demolished.

**Deputy R.C. Duhamel:**

Right, that is it. Well, I would like to thank you on behalf of the Scrutiny Panel for your forthright viewpoints, very well expressed and we will send you a copy of the transcript.

**Mrs. D. Canavan:**

Thank you.