

# STATES OF JERSEY

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## VOTE OF CENSURE: SENATOR FRANK HARRISON WALKER

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Lodged au Greffe on 4th May 2004  
by Senator E.P. Vibert

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STATES GREFFE

## **PROPOSITION**

**THE STATES are asked to decide whether they are of opinion –**

to censure Senator Frank Harrison Walker for his conduct as revealed in the attached report of Senator Edward Philip Vibert dated 27th April 2004.

SENATOR E.P. VIBERT

## REPORT

I am bringing this proposition because I firmly believe that actions taken by Senator Frank Walker during December 2003, when he sought to intervene in the due process of a planning application (application P2003/2259) to “infill fields 510, 521, 528 and 527 to create a new reservoir to irrigate adjacent fields for the purpose of improving the agricultural yield from the fields”, represents unacceptable behaviour by a member of the States and brings the reputation of the Assembly into disrepute.

The evidence I have clearly illustrates that Senator Walker used his position as a senior member of the States to intimidate senior planning officers and unduly influenced them in making a decision which has resulted in what is now known as the “Trinity infill scheme”.

I am putting this evidence before the Assembly because I believe that this matter should be fully aired in public in the States and that the actions of Senator Walker should be thoroughly debated and his actions judged by his peers.

If the House agrees with my proposition – that the actions of Senator Walker are reprehensible – they will censure him. If, on the other hand, the States believes that this behaviour is acceptable, the people of our Island will at least know what actually happens behind the scenes of Government and can make their own judgements.

The planning application about which this whole matter revolves was first made by letter of 14th March when Mr. Mike Waddington, of architects Naish Waddington, applied for an “in principle” decision for work to be carried out on fields in Trinity owned by the applicant.

The original description was “alteration to the levels in the fields listed (519/520/521/524/527/528) to achieve upgraded quality and manageability. Addition of new, natural filling reservoir in the corner of field 519 for irrigation of all adjacent fields.”

It was referred to both Agriculture and the Environment Services Unit for assessment.

A notice giving the above details was published in the Jersey Evening Post of 28th March 2003, for the purpose of informing the general public so that they could file objections if they wished. No-one did.

Between then and 10th September all departments at Planning and Environment were consulted in the usual way by the officers. On 10th September, the Planning Sub-Committee received a report from the Planning Officers, recommending that the application be refused on a number of grounds, such as the detrimental effect on the surrounding area and the hydrology and ecology of immediate downstream areas.

One of the major reasons for this early delay in processing the application was that on 29th May, a letter was sent to Naish Waddington by the department expressing serious concerns about “the impact of the proposed works on immediate and surrounding countryside and we feel that the information provided is inadequate to fully assess the scale and impact of the work”.

The letter went on to request information on hydrology, source and volume of infill material, sections, vehicle movements, access, reservoir design and planting.

A reply was not received until 14th July – delaying consideration of the application by 6 weeks. In their reply Naish Waddington argued that their client (the applicant) “is not seeking to diversify into other business and the significant costs will be involved in answering the questions. If an agreement in principle was granted they will provide a traffic survey and other material required”.

On 10th September, the Planning Sub-Committee received a report from the Planning Officer recommending refusal. The major factors involved were the detrimental effect the proposal would have on the surrounding area

and hydrology and ecology of the immediate and downstream areas. The proposal was also in the countryside zone where there is a presumption **against any new development for whatever purpose**.

The Planning Sub-Committee decided to visit the site, which they did on 25th September 2003. Members present were Deputies J.A. Hilton (Chairman), M.A. Taylor and T.J. Le Main (substituting for the Connétable c St. Saviour who was in hospital).

On site they were joined by the principal planning officer, another planning officer, the applicants, and their agent, Mr. Waddington. At this meeting, the applicant gave the Sub-Committee a 4-page report for consideration with his application. This is contained in Appendix A to this proposition.

The application was strongly supported by the agricultural and fishery section of Economic Development, represented by Deputy Taylor on the Planning Committee.

All 3 members of the Sub-Committee have told me that the case was made to them purely on an agricultural basis (and any reading of Appendix A would confirm that). The information given to the Sub-Committee by the applicant's architect was that most of the levelling would be done by using infill from the excavation for the reservoir, but some infill would have to be brought in from another of the applicant's sites, where building work was taking place.

Members will see in Appendix A the statement "the initial infill will come from the excavation of the reservoir itself and from the farm's existing development at its St. Peter site, which includes the construction of new staff accommodation. Further material will come from properly cleaned and screened locally sourced suitable waste material."

It was on that basis of an agricultural case put to them by a large potato farmer to improve his yield that the Sub-Committee decided to issue an "in principle" permit for this work to be carried out, despite the powerful case put forward by the planning officers against it.

However, because of the strongly expressed concerns of the Environmental Services Unit and the fact that the officers had recommended that the application be refused, 10 conditions were attached to the permit, including one calling for a "method statement to be provided before **any** work can commence".

This method statement was to include the following –

- (1) What the effect will be on the habitat species of the area through losing the area of the wetland and the section of the stream.
- (2) How the brook will be culverted and what steps will be taken to stop silt and other material from polluting downstream (during culverting and construction of the dam).
- (3) A design for the completed dam and planting proposals.
- (4) How the water quality and quantity downstream will be protected during the life of the operation and afterwards (this is an important stream running into Grands Vaux Reservoir).
- (5) A more accurate estimation of the time period of the works, both for the construction of the reservoir and for the infilling of the field.
- (6) A clear account of the potential downstream effects of the construction, and the mitigation proposed to reduce the effects.

On that day, 25th September, the Planning Sub-Committee gave an "in principle" decision subject to the

application satisfying the demands of the Environment Services Unit. This meant that all matters were reserved, including size, scale, access and volume until an application for detailed planning permission had been submitted to and approved by the Environment and Public Services Committee. It was not in any way a development approval.

On 2nd October 2003, a permit was issued subject to all the conditions previously mentioned. The file is marked “approve principle only – don’t approve any plans? Details, size, etc.”

Three weeks later (31st October 2003) a second application was received (P2003/2259) signed by the applicant to “form temporary access to field 527, culvert stream, form new natural filling reservoir and fill valley to raise fields 519/520/521/528 to upgrade soil quality and manageability”.

The new application was advertised in the Jersey Evening Post on 4th November using the words in the application reported above.

The investigation process began again with details sent to agriculture, PSD highways, the Parish of Trinity and the Environmental Services Unit. Again, the proposal was based on an agricultural case.

The Connétable of Trinity approved the scheme as did agriculture. Public Services commented on the drainage issue – saying that the culvert would require approval and flow conditions to the existing brook downstream had to be unchanged. The Environmental Services Unit recommended that the application should be refused.

The department was still assessing all of the evidence when, on 15th December 2003, the President of the Environment and Public Services Committee, Deputy Dubras, Vice-President Deputy Hilton and Senator Walker met to discuss whether Planning could look at some of the properties owned by the applicant of the Trinity infill proposal, to provide him with any comfort with respect to passing some of the sites he owned for housing. (Questions I have asked about the status of this meeting have not been satisfactorily answered as yet.) At the end of this meeting, Senator Walker asked about the progress of the landfill and reservoir project at Trinity.

The next day (16th December) Senator Walker sent an e-mail to the Director of Planning which read –

**“After our meeting, I had expected to hear from you yesterday afternoon re *[the applicant’s]* application for a dam and infill on his land at Trinity. I would be grateful if you could update me as soon as possible please.”**

This e-mail is contained in Appendix B to this proposition. The response from the Director of Planning was–

**“Apologies for delay, but I had meetings yesterday afternoon and was only able to follow this up today. I’ve checked the file, and it appears we will need some more additional information from Jim Naish, who’s acting for *[the applicant]* on this one as well. I’ll speak to the case officer (who is sick today) to ensure it is dealt with as soon as possible.”**

This is Appendix C to this proposition.

The next day, on 17th December, Senator Walker e-mailed the Director of Planning again saying –

**“There really is a problem here!**

**After the application had been in for 5 weeks!! Naish Waddington received a request for more information. They replied by return on 3rd December guaranteeing that all waste would be inert and that they would work under the guidance of PSD. They also gave other assurances in the same letter.**

**I have to say that I believe the delays [*the applicant*] has been subjected to with this application are unsatisfactory and not at all in line with the improved level of service used to justify the level of charges that now apply.**

**I can't emphasise too strongly that [*the applicant*] needs to know where he stands with this without any further delay whatsoever. Please can I ask you to ensure that this is dealt with this week under delegated powers."**

This e-mail is contained in Appendix D to this proposition.

I ask members to note the bullying and threatening tone of this e-mail. The facts were that all of the officers were carrying out their proper duty, which was to ensure that the application was being thoroughly investigated, so that they could inform the Committee of their professional opinion of the application and reasons for accepting or rejecting it on planning grounds only and on nothing else. To suggest that because such a complex application had been before them for 5 weeks was "unacceptable", is totally without foundation.

At the time of Senator Walker's interference in the due process, the officers at Planning still had a lot of work to do to assess the information coming from the applicant's agent and they were not happy about the quality of that information and were doing their own investigations.

As to the suggestion that the officers should make the decision on this under their delegated powers was also extraordinary. The reason for this demand, of course, was so that the officers could make a quick decision without it having to go before the main Committee. This was totally contrary to the decision of the Planning Sub-Committee, as they had made it very clear after the meeting of 25th September 2003, when they agreed to the scheme in principle, with a large number of caveats attached, that the application must satisfy the demands of the Environmental Services Unit.

By this decision, all matters were reserved including size, scale, access and volume until an application for detailed planning permission had been submitted and approved by the Environment and Public Services Committee.

It was this new and necessary application which was being judged and it could NOT be decided under delegated powers but had to go back to the Committee for a decision to be made.

Not content with interfering in this planning application on behalf of the applicant, Senator Walker then turned his attention to another problem facing that person that came under the jurisdiction of Planning.

At 7.12 a.m. on 18th December 2003, Senator Walker emailed Deputy Mike Taylor with a copy to Deputy Dubras (the first time he had been copied in on exchanges) in the following terms –

**"Mike,**

**Apart from the unacceptable delays he has been subjected to in relation to his landfill application [*the applicant*] has a serious problem in regard to some of his staff accommodation.**

**Apparently he is now housing some of his staff in unacceptable accommodation and he has been formally cautioned by \*\*\* from Planning [*the Planning Enforcement Officer*]. Although this is of his own making it has only occurred because he simply couldn't afford to spend the money on alternative accommodation in the way he had planned.**

**The bottom line is that [*the applicant*] is now absolutely desperate and I had a very distressing call from him last night. He is in acute financial difficulty and under enormous pressure from his bankers. This he can temporarily resolve if the much delayed permit for his infill site is delivered**

this week, which I understand is likely to happen.

**On top of all this to now face the prospect of prosecution and the embarrassment that will accompany it is close to being the straw that broke the camel's back. The purpose of this e-mail therefore is to ask if there is any way a stay of execution to his prosecution can be allowed. If it can for, say 3 or 6 months, that will enable him to re-group [providing the landfill can proceed] and resolve this issue in a proper and orderly manner. The alternative is that he re-houses them now with money he hasn't got and faces the ignominy of prosecution as well.**

**I'm sorry to bother you with this but *[the applicant]* is not only a very close personal friend, he is also, under normal circumstances, one of the most conscientious and caring people I have ever met [...]. He is also of course one of the very few Jersey farmers who, when he has resolved his financial difficulties, wants to invest in his farm and hand it over to his son who, highly unusually these days, wants to continue in farming. He needs our help – I hope it is possible in this case”.**

This e-mail is contained in Appendix E to this proposition.

It is quite clear that, at this stage, Senator Walker was aware that this was not an application for an infill scheme to improve the quality of the soil to help the applicant get a better standard of Jersey Royals from his fields (as the applicant claimed when he presented his case to the Planning Sub-Committee 3 months earlier and contained in Appendix A).

In a telephone discussion I had with him (he telephoned me) on Saturday morning last, I asked him that very question. His answer was “Of course I knew it was a huge infill scheme. It was obvious to everybody. I knew the size of it and the amount of time it was going to take to complete. So did the officers at Planning.”

He expressed surprise when I told Senator Walker that the application and presentation of the applicant at the Sub-Committee meeting of 25th September 2003 was for an agricultural scheme. He insisted that this was not so – it had always been a large infill scheme. I asked him if he had seen the report submitted by the applicant on 25th September to the Planning Sub-Committee. He said he had not and I faxed it through to him.

Just as serious, in my view, is that Senator Walker clearly attempted to prevent his friend from being prosecuted over the use of portacabins for staff quarters on one of his sites.

It will be for members of the States to decide if they think this is appropriate behaviour for a Senator of the States and one of its most senior members to be acting.

By 7.38 a.m. on 18th December the Committee President, Deputy Maurice Dubras, enters the arena for the first time having been copied in on the e-mail. He replies –

**“I was not *[sic]* of this latest aspect on accommodation as it was not discussed on Monday. I will ask \*\*\* *[the Chief Officer]* to brief me on it later today. I read into your email a high degree of desperateness and do NOT wish to see another case similar to one that happened in St. L. a couple of years ago. I will urge the Department to be very thoughtful regarding the above and deal with the outstanding application by Friday if at all possible.”**

This e-mail is contained in Appendix F.

One has to ask why the President did not tell Senator Walker that he was totally out of order harassing his officers, firstly on a planning matter, and then on the subject of a possible prosecution and that he was not prepared to have his officers bullied in this way.

He should have told Senator Walker that the infill application was still being dealt with by his officers and it

would probably be another 6 to 8 weeks before their inquiries would be completed.

His message should have been loud and clear, saying “Leave my officers alone and let them get on with the job of planning without any political interference”.

He offered no such protection to his officers and, in my view, let them down badly. His reaction at attempts by Senator Walker to make life easy for the applicant over his breaches of the Planning Law with respect to staff accommodation for his workers was equally tepid.

That he didn't take this stand is indicative of the “old boy network” and “looking after your mates” syndrome that is such a corrosive force working against the integrity of government in Jersey, and leads to the cynicism and low esteem in which the Island's political climate has been wallowing for a number of years.

What is obvious is that Senator Walker's e-mails on behalf of his “close personal friend” clearly produced an immediate result which will be very damaging to the people of Trinity if it is not reversed.

On the same day, 18th December, at 8.23 a.m., less than an hour after the early morning e-mails were sent to Deputy Dubras and Deputy Taylor by Senator Walker, the Director of Planning requested the Enforcement Officer to send him the file dealing with the applicant's problems with his farmhands' accommodation.

At 11.20 a.m. that day, Deputy Taylor e-mailed the Director of Planning saying –

**“I understand that [*the applicant*] put his more detailed application in some 7 weeks ago, and you may recall that I asked if this could be processed fairly quickly as he wanted it in place for next season. What is the timetable now?”**

This e-mail is contained in Appendix G.

It is clear from this, that Deputy Taylor was still pursuing the matter as an agricultural scheme, which could be completed within months, showing that he had never contemplated, or been told, the magnitude of the proposal for a commercial infill site.

By 2.52 p.m. that same day, Deputy Taylor had his answer from the Director of Planning which stated–

**“I've assured Frank and Maurice that the permit will be issued in the next few days, but we do require information from [*the applicant's*] agent first. They are aware of this.”**

This e-mail is contained in Appendix H.

At 8.57 a.m. the next morning (9th December) the Director of Planning sent the following e-mail to Deputy Dubras and Senator Walker, copied to Deputy Hilton, Deputy Taylor and Planning's Chief Executive Officer which read –

**“I went to see [*the applicants*] last evening and fully appreciate their difficulties.**

**We agreed the following:**

- **The permit for the field levelling will be issued today, with any outstanding matters to be resolved covered by condition. We have the requisite information from Jim Naish, and this will be assessed by Environmental Services this morning. [*The applicant*] will be advised when the permit is ready so he can pick it up.**
- **[*The applicant*] recognises the importance of removing the illegal staff accommodation and has undertaken to vacate them by 29th December. He is placing staff in other farmers' accommodation and guesthouses for the time being. We will adopt a light approach on the matter, and won't consider prosecuting unless he blatantly disregards what we have agreed.**



**We will give [the applicant] until the end of March [2004] to remove them from the site, although in practice I accept his assurance that they will be gone before that. We will visit Woodside today to assess, with [the applicant], which of the portacabins are suitable for installation at St. Peter. As you know, he has a permit for staff accommodation there, and drains, running water and electricity installed, and although this isn't exactly in line with the permission he has, we will let him install 5 or 6 of the Trinity portacabins there, provided they meet the H&SS and Building Control standards. Any unsuitable portacabins will be sold on or destroyed.**

- **For my part, I will before the end of the year, assess what options [the applicant] has within existing planning policies for his sites, in the event that he needs to raise capital even more quickly.”**

This e-mail is contained in Appendix I to this proposition.

From all of this evidence, it is very clear to me that Senator Walker used his influence and the power of his position in the States as a Senator of long-standing, as well as holding the presidency of the major committee in the House, to stand over and intimidate the planning officers to rush them into a decision on the Trinity infill site.

So intimidated was the Director of Planning by Senator Walker's influence that he even took the permit for the infill scheme to the applicant's house after work and discussed his legal problems over the offences he had committed.

Not only did the Chief Planning Officer agree to “adopt a light approach” to the offence and not to recommend to the Law Officers' Department that the applicant be prosecuted, he also agreed to allow him to take action with his portacabins that was “not in line with the permission he had” for those portacabins.

It is my view that the majority of States members will regard these activities of Senator Walker with dismay and being totally reprehensible. Their effect on public perception will be to illustrate that there is still one law for the rich and well-connected on this Island and another for the majority of decent, hardworking citizens who expect high standards of propriety from their politicians.

No blame should be attached to the planning staff. They were put under intolerable pressure by Senator Walker and they received no support, help or protection from their President, Deputy Maurice Dubras.

The actions of Senator Walker in this matter prove to the public that a saying coined by a renowned Jersey journalist of the 1930s. Mr. Edward Le Brocq is still alive and flourishing. When asked to comment on Jersey's political life, he wrote –

**“Be a Constable's son-in-law, Centenier's friend. And in jail you'll not end.”**

Certainly the evidence presented in this report shows that if you have Senator Walker on your side and you are a wealthy person fallen on hard times, he will do everything to help you. Whether that affects the rights of parishioners of Trinity is quite immaterial.



# WOODSIDE

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**PLANNING APPLICATION  
TO SAFEGUARD THE FUTURE  
AGRICULTURAL VIABILITY  
OF FIELDS AT  
LA GUERDAINERIE  
AND RELATED AREAS**

25 September 03



## **1. Introduction**

The following notes identify the reasons behind the need for the planning application in respect of fields at La Guerdainerie, summarises the necessary work and highlights its compatibility with the objectives of the Jersey Island Plan 2002 strategic policy review.

## **2. Background**

In common with most of the few remaining commercial agricultural holdings within Jersey, the *[applicant's]* farm is dependent upon the production of Jersey Royal new potatoes. The market-place is global with a sophisticated and increasingly demanding customer base.

This places great emphasis on the ability to produce a high-quality potato crop to exacting standards with a blemish-free skin a pre-requisite to meeting such quality demands. The ability to irrigate the crop is essential to meet these requirements, both throughout the growing cycle, and also immediately prior to harvest in order to greatly reduce levels of damage, when even the merest nick to the skin may exclude the tuber from meeting customer quality standards.

The ability to irrigate as high a proportion of crop production as possible is therefore seen as essential and an increasingly important priority to help safeguard a successful future for the farm.

The provision of a self-filling reservoir at La Guerdainerie is integral to this aim and at the same time affords the opportunity to improve soil quality and manageability, through alterations to field levels, of land that is otherwise becoming increasingly marginal through its topography and high clay content in certain areas.

## **3. The need for the Project**

- Average rainfall figures indicate that Jersey is experiencing wetter winters and drier summers. This increases both the farm's need for summer irrigation and the need for greater water-storage capacity.
- During the past week the applicant has been given a Jersey Royal programme by a major U.K. multiple with very high quality standards which further emphasises the necessity of irrigating as much of the crop as possible.
- The proposed work helps to safeguard the commercial viability of agricultural land by providing the means to irrigate over 70 vergées in and around La Guerdainerie.
- The proposed work also helps to safeguard the commercial viability of an additional 10 to 12 vergées of agricultural land by enhancing its topography and soil condition, which over 20 years of ownership has become increasingly untenable as the parameters for survival within agriculture have become ever more challenging.

## **4. Summary of Proposed Work**

- The proposed reservoir will improve the drainage without unduly affecting the downstream area as it will obviously have an overflow, allowing excess water to still flow downstream as at present.
- At 500,000 gallons, the capacity of the reservoir is not excessive and would only allow for one application of less than 1 inch of water to the adjacent 70 vergées.
- The biodiversity of the area would be maintained, if not improved, with no changes to the perimeter planting of trees, with additional plantings envisaged around the reservoir or to the south of the site to replace the removal of some trees in poor condition in the middle of the site.

- The initial infill material will come from the excavation of the reservoir itself and from the farm's existing development at its St. Peter site, which includes the construction of new staff accommodation.
- Further material will come from properly cleaned and screened locally sourced suitable waste material.
- Construction traffic has good access to the site from the main road which also services the nearby Springside Industrial Estate.
- Should it be deemed necessary a temporary access point to the north of the site would take traffic well away from the nearest houses.

## 5. Compatibility with Island Plan 2002 Strategic Policy Review

- The application does not impact adversely on the environment and is fully supported by the Department of Agriculture and Fisheries who believe there are agricultural and environmental benefits.
- The application maintains agricultural land in agricultural use and therefore **“will not unreasonably affect the character and amenity of the area”**.
- The application helps safeguard the future use of agricultural land for crop production and therefore **“will not have an unreasonable impact on agricultural land”**.
- The project alleviates the risk of flooding and therefore **“is not of risk from flooding or does not increase the risk of flooding elsewhere”**.
- The project **“makes efficient use of construction and demolition materials to avoid generation of waste and to ensure the efficient use of resources”**.

## Summary

The Strategic Policy Review recognises agriculture's importance to Island life by stating that the industry should be supported to remain viable.

Reference is also made to The Oxford Policy Unit report “Study of the Agriculture and Fisheries Industry in Jersey” which includes in its Vision the view that “Jersey's wider social, environmental and economic interests call for an agricultural sector that is viable, that supports the livelihoods of those engaged in farming and in other sectors and that contributes to the improved management of Jersey's natural environment”.

It is extremely disappointing to have had this application within the planning process for over six months without a positive outcome. The site is an agricultural field before the project commences and would be a better quality and more viable agricultural field plus reservoir on completion.

Moreover, when the Strategic Policy Review states that “the traditional landscape and biodiversity of the land is largely a product of the intervention by man through farming”, the planned enhancements at La Guerdainerie can be justifiably described as **“an evolving shift in the farm's use”**.

This phrase is as relevant to La Guerdainerie as it is to the proposed change of use for Howard Davis Farm as described by the Planning and Environment Chief Executive Officer himself.

In conclusion it is hoped that any reservations can be resolved on viewing the site. By granting approval the applicant can then proceed to take this agricultural project to a successful completion.

**APPENDIX B**

**From:** Frank Walker  
**Sent:** 16 December 2003 13:47  
**To:** \*\*\* [DIRECTOR OF PLANNING]  
**Subject:** **[The applicant's]** infill

\*\*\*

After our meeting I had expected to hear from you yesterday afternoon re *[the applicant's]* application for a dam and infill on his land at Trinity.

I would be grateful if you could update me as soon as possible please.

Frank

\*\*\* [DIRECTOR OF PLANNING]

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**To:** Frank Walker  
**Subject:** RE: *[the applicant's]* infill

Frank,  
Apologies for delay, but I had meetings yesterday afternoon and was only able to follow this up today. I've checked the file, and it appears we will need some more additional information from Jim Naish, who's acting for *[the applicant]* on this one as well. I'll speak to the case officer (who is sick today) to ensure it is dealt with as soon as possible.

\*\*\*

**From:** Frank Walker  
**Sent:** 17 December 2003 06:23  
**To:** \*\*\* [DIRECTOR OF PLANNING]  
**Subject:** RE: [the applicant's] infill

\*\*\*

There really is a problem here!

After the application had been in for 5 weeks!! Naish Waddington received a request for more information. They replied by return on 3rd December guaranteeing that all waste would be inert and that they would work under the guidance of PSD. They also gave other assurances in the same letter.

I have to say that I believe the delays [the applicant] has been subjected to with this application are unsatisfactory and not at all in line with the improved level of service used to justify the level of charges that now apply.

I can't emphasise too strongly that [the applicant] needs to know where he stands with this without any further delay whatsoever. Please can I ask you to ensure that this is dealt with this week under delegated powers.

Regards,

Frank



**From:** Frank Walker  
**Sent:** 18 December 2003 07:12  
**To:** Mike Taylor  
**Cc:** Maurice Dubras  
**Subject:** *[the applicant]*

Mike,

Apart from the unacceptable delays he has been subjected to in relation to his landfill application *[the applicant]* has a serious problem in regard to some of his staff accommodation.

Apparently he is now housing some of his staff in unacceptable accommodation and he has been formally cautioned by \*\*\* from Planning *[THE PLANNING ENFORCEMENT OFFICER]*. Although this is of his own making it has only occurred because he simply couldn't afford to spend the money on alternative accommodation in the way he had planned.

The bottom line is that *[the applicant]* is now absolutely desperate and I had a very distressing call from him last night. He is in acute financial difficulty and under enormous pressure from his bankers. This he can temporarily resolve if the much delayed permit for his infill site is delivered this week, which I understand is likely to happen.

On top of all this to now face the prospect of prosecution and the embarrassment that will accompany it is close to being the straw that broke the camel's back. The purpose of this e-mail therefore is to ask if there is any way a stay of execution to his prosecution can be allowed. If it can for, say 3 or 6 months, that will enable him to re-group [providing the landfill can proceed] and resolve this issue in a proper and orderly manner. The alternative is that he re-houses them now with money he hasn't got and faces the ignominy of prosecution as well.

I'm sorry to bother you with this but *[the applicant]* is not only a very close personal friend, he is also, under normal circumstances, one of the most conscientious and caring people I have ever met [...]. He is also of course one of the very few Jersey farmers who, when he has resolved his financial difficulties, wants to invest in his farm and hand it over to his son who, highly unusually these days, wants to continue in farming. He needs our help – I hope it is possible in this case.

Regards,

Frank

## APPENDIX F

**From:** Maurice Dubras  
**Sent:** 18 December 2003 07:38  
**To:** Frank Walker; Mike Taylor  
**Cc:** Jacqueline Hilton  
**Subject:** RE: *[the applicant]*  
**Importance:** High

Frank, I was not *[sic]* of this latest aspect on accommodation as it was not discussed on Monday. I will ask \*\*\* *[CHIEF EXECUTIVE OFFICER, PLANNING AND ENVIRONMENT DEPARTMENT]* to brief me on it later today. I read into your email a high degree of desperateness and do NOT wish to see another case similar to one that happened in St. L. a couple of years ago. I will urge the Department to be very thoughtful regarding the above and deal with the outstanding application by Friday if at all possible. Maurice.

## APPENDIX G

**From:** Mike Taylor  
**Sent:** 18 December 2003 11:25  
**To:** \*\*\* [DIRECTOR OF PLANNING]  
**Subject:** RE: [the applicant] Infill application

\*\*\*, I understand that [the applicant] put his more detailed application in some 7 weeks ago, and you may recall that I asked if this could be processed fairly quickly as he wanted it in place for next season. What is the timetable now?

Regards Mike.

\*\*\* [PLANNER]

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**From:** \*\*\* [DIRECTOR OF PLANNING]  
**Sent:** 18 December 2003 14:52  
**To:** Mike Taylor  
**Cc:** \*\*\* [PLANNER]  
**Subject:** RE: [the applicant] infill application

Mike,  
I've assured Frank and Maurice that the permit will be issued in the next few days, but we do require information from [the applicant] agent first. They are aware of this.  
\*\*\*

\*\*\* [PLANNER]

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**From:** \*\*\* [DIRECTOR OF PLANNING]  
**Sent:** 19 December 2003 08:57  
**To:** Maurice Dubras; Frank Walker  
**Cc:** Jacqueline Hilton; Mike Taylor; \*\*\* [CHIEF EXECUTIVE OFFICER, PLANNING AND ENVIRONMENT DEPARTMENT]  
**Subject:** RE: [the applicant]

**Importance:** High

Maurice and Frank,

I went to see [the applicants] last evening and fully appreciate their difficulties.

We agreed the following:

- The permit for the field levelling will be issued today, with any outstanding matters to be resolved covered by condition. We have the requisite information from Jim Naish, and this will be assessed by Environmental Services this morning. [The applicant] will be advised when the permit is ready so he can pick it up.
- [The applicant] recognises the importance of removing the illegal staff accommodation and has undertaken to vacate them by 29th December. He is placing staff in other farmers' accommodation and guesthouses for the time being. We will adopt a light approach on the matter, and won't consider prosecuting unless he blatantly disregards what we have agreed. We will give [the applicant] until the end of March [2004] to remove them from the site, although in practice I accept his assurance that they will be gone before that. We will visit Woodside today to assess, with [the applicant], which of the portacabins are suitable for installation at St. Peter. As you know, he has a permit for staff accommodation there, and drains, running water and electricity installed, and although this isn't exactly in line with the permission he has, we will let him install 5 or 6 of the Trinity portacabins there, provided they meet the H&SS and Building Control standards. Any unsuitable portacabins will be sold on or destroyed.
- For my part, I will before the end of the year, assess what options [the applicant] has within existing planning policies for his sites, in the event that he needs to raise capital even more quickly.

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