

STATES OF JERSEY

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FIELDS 519, 520, 521, 524, 527 AND 528, TRINITY – RESCINDMENT OF PLANNING PERMIT

**Lodged au Greffe on 20th April 2004
by Senator P.V.F. Le Claire**

STATES GREFFE

PROPOSITION

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

to request the Environment and Public Services Committee –

- (a) to rescind its decision to grant permission to Mr. C. Gallichan, Woodside Farms, La Hocquarderie Trinity, to form a temporary access to Field 527, culvert stream, form a new natural filling reservoir and fill the valley to raise Fields 519, 520, 521, 524 and 528, Trinity to upgrade soil quality and manageability;
- (b) to present to the States without delay a report setting out the background to the application and, in particular, setting out the manner in which it was publicised and which politicians took part in the process and the application;
- (c) to take steps to bring into effect as soon as possible measures that would require all planning applications to be publicised through the posting of notices on the application site to enable neighbouring residents and other interested parties to be informed of applications and to be able to submit objections within a reasonable time.

SENATOR P.V.F. LE CLAIRE

REPORT

On 6th April 2004 I attended a public meeting called by Senator Shenton to listen to concerns of Islanders about various issues relating to current affairs, the meeting was very well attended by both the public and the media. The first item that was brought up were concerns by several residents of Trinity that dumping of building material was to take place in fields surrounding their properties, which raised a number of concerns. The residents went on to explain the circumstances to which an application P/2003/2259 had been approved by the Environment and Public Services Committee to Mr. C. Gallichan, Woodside Farms, La Hocquarderie, Trinity, for developer under the Island Planning (Jersey) Law 1964, as amended. The Environment and Public Services Committee having considered the application granted permission to develop land under the Island Planning (Jersey) Law 1964, to –

Form temporary access to Field 527, culvert stream, form new natural filling reservoir and fill valley to raise fields 519, 520, 521, 524 and 528 to upgrade soil quality and manageability.

To be carried out at –

*Fields 519, 520, 521, 527 and 528, Woodside Farms, La Hocquarderie, Trinity, JE3 5DU,
subject to compliance with conditions and approved plan(s).*

On the surface of the application and as reported in the Jersey Evening Post of 2nd April 2003 the application seemed to be straightforward. A development to enhance the quality of agricultural land....A development relating to growing for agricultural purposes.....It has since transpired that many of the residents that will be affected had no knowledge of the development, and a number of concerns have now been raised in relation to the granting of permission to develop and in the way that the permit relates pertaining to the protection of the amenities of the neighbouring properties. In the submission of this report my research is ongoing, but I believe there are strong grounds already to rescind the permit and without taking up members' time at this stage I will convey this during the debate.

Part (c) of the Proposition relates to the difficulties in ascertaining whether consultation has been effective and democratic.

The new Planning and Building (Jersey) Law 2002, which was approved by the States in 2001, contains provisions in Article 11 about the publicising of applications and that Article is in the following terms. (The Law has not yet been brought into force as there have been difficulties about dealing with the cost of third party appeals.)

PLANNING AND BUILDING (JERSEY) LAW 2002 (awaiting an Appointed Day Act to be brought into force)

ARTICLE 11

Committee shall prescribe manner in which application for planning permission is to be publicized

- (1) The Committee shall by Order prescribe the manner in which –*
 - (a) an application for planning permission shall be publicized or otherwise notified; and*
 - (b) representations may be provided by members of the public.*
- (2) For the purpose of paragraph (1) an application for planning permission shall be taken to include any environmental impact statement relating to the application prepared and provided in accordance with Article 13.*
- (3) The Committee shall not make a decision on an application for planning permission until it is*

satisfied that the application has been publicized or notified in the manner prescribed in accordance with paragraph (1).

- (4) The Committee shall take into account in determining the application any representations provided by the public under this Article.*
- (5) The Committee may require an applicant for planning permission to produce evidence to the Committee showing that the application has been publicized or notified in the prescribed manner.*
- (6) The copyright in anything forming part of an application for planning permission is not infringed if the Committee provides a person with a copy of it for consideration and comment.*

In its report accompanying the draft Law the Committee stated that it intended to prescribe the following measures by Order –

Article 11: Publicity for applications

This Article allows the Committee to make an Order prescribing the manner in which an application for permission is publicised. This will lead to a requirement for an applicant to place a notice in a prominent position on the site informing the public that an application has been made and that the plans can be viewed at the Planning Department. This will enable those with an interest in the application to be aware that it has been made, even if they did not see the notice in the Jersey Evening Post, and addresses one of the major criticisms of the existing process that arose out of the public consultation exercise. There is currently no legal requirement to publicise applications at all.

I believe it is time for the Committee to bring forward the Law or to take the appropriate alternative steps to give effect to this without delay.

I would like to make one final note of comment. The newly-elected President of the Environment and Public Services Committee and the new members of the Committee that I have spoken to and the Connétable of Trinity have been very courteous to me in my enquiries in relation to this matter. The residents of the area in a meeting that occurred on the evening of 15th April however, were becoming so anxious that matters could not rest. I must push ahead with this in order to protect the concerns of the very worried residents of Trinity and the Island as a whole, as the development could affect water that runs into Grands Vaux Reservoir, an important resource for all Islanders and visitors alike. The other issues relating to the environment and access to company information will also need equal consideration.

Financial and manpower implications

There are no financial or manpower implications to the States that I can identify other than the correlation of work already done and of the writing of the report.