

**STATEMENT TO BE MADE BY THE PRESIDENT OF THE ENVIRONMENT AND  
PUBLIC SERVICES COMMITTEE ON 30th MARCH 2004**

Members will recall that on 18th March 2003, the States approved the proposition P.17/2003 of Deputy G.C.L. Baudains of St. Clement to request the Environment and Public Services Committee to *'review the decision of the former Planning and Environment Committee to allow the construction of 9 three-bedroom houses on Field 126, La Grande Route de la Côte, St. Clement'*, (Ref: PP/2000/2083).

Implicitly, the States requested that the Committee reverse its decision to approve the application. The previous Committee, under the Presidency of Deputy M.F. Dubras, sought the advice of the Crown Officers on the subject. This advice was received just before he and his Committee resigned in February this year.

The present Committee was able to give consideration to the States' request at its first business meeting last Thursday 25th March 2004. The Committee was able to be entirely objective about the matter, as none of the members present at the meeting had been members of former Senator Quérée's Committee which had made the original decision to grant permission. This decision was made by that Committee on 8th November 2001, when the application was approved subject to conditions which included that recorded in the Committee minute as *'the necessary visibility splays must be achieved and the legal requirement in respect thereof, submitted as part of a detailed Planning application'*

The Committee reviewed the background to the decision, the way in which it was arrived at, and considered especially the legal advice. The Committee considered the implications of reversing the previous Committee's decision to approve the application.

Had the decision been reversed, the applicant would almost certainly appeal to the Royal Court. On the basis of the legal advice received, the Committee concluded that the prospects for successfully defending such an appeal in the Royal Court were extremely poor, that the Royal Court would be likely to uphold the appeal and grant permission, and in all probability costs would be awarded against the Committee. Accordingly, the Committee is not prepared to reverse the decision made by the previous Planning and Environment Committee on 8th November 2001.

The Committee, having now completed this review as the States requested with the benefit of comprehensive legal advice, has confirmed the principle of development on this site.

On 20th December 2002, the applicant submitted a detailed application, for a similar development of the site but with a different means of access, (Ref: P.2002/3109). That application has been held in abeyance since March 2003 pending the States request for a review of the original permission, and remains to be dealt with. The Committee has resolved to do so very shortly.

The Committee has already received representations on this latest application; however, before the Committee makes a determination, Deputy Baudains will be given the opportunity to make a further representation on the detail of this application.