

# STATES OF JERSEY

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## **FIELDS 848, 851 AND 853, BEL ROYAL, ST. LAWRENCE: COMMITTEE OF INQUIRY (P.49/2007) – AMENDMENT (P.49/2007 AMD.)– COMMENTS**

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**Presented to the States on 30th April 2007  
by the Minister for Planning and Environment**

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**STATES GREFFE**

## COMMENTS

On 21st March 2007, I resolved to grant planning permission for 102 Category A homes at the site in question together with road improvements to St. Peter's Valley Road, substantial surface water drainage infrastructure, a large public amenity space, a community hall and children's and teenagers' play facilities. The permission is subject to some 60 planning conditions and the achievement of various planning obligations intended to secure significant planning gains.

My decision was based on an impartial review of the proposed development and all the material planning considerations and points of contention, including the level of development and the consequences for infrastructure and other issues raised in written representations and in representations made orally at a Public Meeting on 23rd January 2007 and a Public Hearing on 20th March 2007.

The housing site in question primarily comprises former agricultural fields that were previously used for the production of outdoor tomatoes, early potatoes and cauliflowers and which are above the area which normally floods. The fields were zoned by the States, as part of the Island Plan debate in 2002, specifically to help meet the identified needs for Category A housing in the Island, following a comprehensive site evaluation and selector process, involving extensive public consultation, prior to the Island Plan Debate.

We are not, therefore, dealing with a clean sheet, as I have said on numerous occasions, whatever preferences I may or may not have if that were the case. The States' decision, combined with subsequent guidance, provides a very clear indication of what the land is expected to be used for. If the States did not want the land to be developed, then the States debate on the Island Plan was the proper time to make such a decision.

The application was acceptable in planning terms, having regard to the relevant policies in the Island Plan, the requirements of the development brief, as modified and evolved over time by subsequent decisions and steers, and the conditions and obligations I have attached to my decision.

The major concern of residents and their political representatives regarding the size of the development has to my mind been adequately addressed. The 102 homes which I have approved is now only some 5 homes and 5% above the indicative yield of 97 homes referred to in the Island Plan and in the Constable's previous proposition to the States lodged in April 2006 (P.48/2006).

It is important to recognise that my recent decision effectively represents the culmination of a very protracted and complex, but also open and transparent, planning application process. As a consequence, there have been 3 applications in 3 years, 4 public meetings, a technical seminar, 2 public hearings, 2 States debates and many calls on the applicant for additional information, clarification on key issues and revisions. As a result of all this, it is probably fair to say that the level of scrutiny that has taken place in relation to the various proposals for this site has already been at a very substantial and probably unprecedented level for any application.

Of course, this process has led to numerous beneficial changes since the first informal scheme was presented to the public for 150 homes in December 2003. I also believe that the approved proposals are a significant improvement over the previous application for 129 homes, which I refused in August 2006 for reasons relating to –

- over-development;
- unacceptable encroachment of development beyond the housing site boundary;
- unsatisfactory building design,
- inadequate States' school capacity; and
- noise impact from Jersey Steel.

All of the above based on the additional affect of the number of dwellings above the 97 indicated in the Island Plan.

As the Island's planning authority, I have a duty to exercise the Planning Law in a proper manner, to consider all

applications on their planning merits and also not to delay inordinately or unreasonably the issuing of my decisions.

As alluded to earlier, I have already delayed formally issuing my decision to allow me to complete my report of findings and finalise and fine-tune the wording of the conditions. I consider this delay to be necessary and for a proper purpose. I cannot say this would be so in respect to the delay proposed by the Constable in his amended proposition, part (b).

This part of the proposition has been overtaken by events, in that I have approved the application, on 21st March, the day after the public hearing, when I instructed the case officer to write up the conditions, I have notified the applicants and the political representatives of the Parish, and I have publicly announced my decision.

Given the complexities of the case and the volume of related information, I believe it is over-optimistic to expect a meaningful inquiry as proposed, within 2 months of the establishment of a Committee. Furthermore, it could be argued that to keep the applicant waiting an additional 8 weeks and, more likely, 12 weeks pending the results of a Committee of Inquiry and in order to finalise the detailed planning conditions and obligations (i.e. in addition to the month that has already elapsed since my decision), would be unreasonable and could be regarded as an abuse of my power.

Members should be reminded that when I suggested the possibility of such a delay to the applicants, they made it absolutely clear that in such an event, they would have no choice but to take legal proceedings against me.

Personally, I support the proposal for a Committee of Inquiry and believe it will demonstrate to everybody that the decisions regarding the development of this land have been properly arrived at after a robust, open and transparent planning and application process, which has provided opportunities for public consultation at every stage. I have no doubt that the Department and former Committees will be given a clean bill of health and for my part, it will show that my scope for reaching any other decision than I did was extremely limited.