

STATEMENT TO BE MADE BY THE PRESIDENT OF THE ENVIRONMENT AND PUBLIC SERVICES COMMITTEE ON TUESDAY 25th MAY 2004

On 27th April 2004, I informed members that *'a suitably qualified independent person would be appointed by the Committee to review the process followed by the Committee and its officers in granting of consent for development of the above fields under the Island Planning (Jersey) Law, and to produce a report thereon'*.

I wish to advise the States that Mrs. Carol Canavan has been appointed to conduct this inquiry. Mrs. Canavan is a Jersey solicitor, a partner in Crill Canavan, the Chairman of the States appointed Administrative Appeals Panel and is eminently qualified to conduct the inquiry. Mrs. Canavan has agreed to complete her report, which will be published by 20th July 2004. Mrs. Canavan will announce the details of how the inquiry will be conducted shortly.

The terms of reference include all aspects of the application procedure. The report which will be produced will assist the Committee in any further deliberations in relation to this application. It may also highlight opportunities for improving the planning process. I am appending the terms of reference to this statement.

I express the hope that Mrs. Canavan will receive the necessary assistance from all related parties to complete her inquiry. I reserve the Committee's position in considering whether to return to the States for approval to the immediate setting up of a Committee of Inquiry in the event of Mrs. Canavan not receiving the co-operation.

Members will note that terms of reference include a review of the application procedure under the Agricultural Land (Control of Sales and Leases) (Jersey) Law 1974, which is within the jurisdiction of the Economic Development Committee. The President of Economic Development Committee has agreed that this matter should also be reviewed.

Finally, members may be aware of allegations concerning some aspects of this application which may amount to a criminal offence under Article 6 (1) A of Island Planning Law (Jersey) Law 1964. I have been advised that the Chief Executive Officer, Planning and Environment has referred these allegations to H.M. Solicitor General for investigation by the appropriate authority.

Terms of reference

1. *To investigate from Departmental files, interviews with the persons involved and other sources as appropriate, the adequacy, sufficiency and integrity of the process which was followed, in compliance with the requirements of the Island Planning (Jersey) Law 1964 (as amended), States of Jersey Law 1966 (as amended) and the Island Plan 2002 in determining two applications submitted by Mr. Charles Gallichan under the Island Planning (Jersey) Law 1964 relating to Fields 519, 520, 521, 524, 527, 528, Woodside Farms, La Hocquarderie, Trinity, JE3 5DU -*
 - (a) *by members of Planning Sub-Committee of the Environment and Public Services Committee, in granting conditional in principle Planning consent to application PP2003/0658;*
 - (b) *by Planning officers in approving under delegated authority from the Environment and Public Services Committee under the States of Jersey Law, an application for development of the above land under Article 6 of the Island Planning (Jersey) Law 1964 under Reference P2003/2259;*
 - (c) *by other members of the Environment and Public Services Committee.*
2. *To report on the soundness, adequacy, sufficiency, completeness and integrity of above processes, taking into account information, as applied to the following –*
 - Advertising the applications and obtaining public representations.*
 - Consultation with the statutory bodies (Including the Parish of Trinity and Jersey New Waterworks Company Ltd.) on the impact of the application.*
 - Disclosure of information held by the former Department of Agriculture and members of the Economic Development Committee.*
 - Representations (verbal and written) which were considered by officers and members of the Environment and Public Services Committee and Planning Sub-Committee, which were material to their determination of either application.*
 - Representations –*
 - by the applicant and his agents*
 - by members of the Environment and Public Services Committee*
 - by other States members*
 - by other States Committees and their officers*
 - members of the public and statutory consultees.*
 - Assessing environmental impact.*
 - Planning officer's verbal and written recommendations to the Director of Planning, Planning Sub-Committee, and members of the Committee.*
 - The importation of infill material to the site.*
 - Assessing the impact of additional heavy goods vehicle movements on the immediate locality and road network.*
 - Assessing impact on water catchment's.*
3. *To consider information which has become available subsequent to the determination of the applications, should reasonably have been ascertained prior to that determination and to report thereon.*
4. *To investigate from Departmental files, interviews with the persons involved and other sources as appropriate, and report on the soundness adequacy, sufficiency and integrity of the process which was followed for the application submitted for the sale of Fields 519, 520,521, 524, 527, 528, Woodside Farms, La Hocquarderie, Trinity, JE3 5DU under the Agricultural Land (Control of Sales and Leases) (Jersey) Law 1974.*