

**WRITTEN QUESTIONS TO THE PRESIDENT OF THE ENVIRONMENT AND PUBLIC SERVICES
COMMITTEE BY THE DEPUTY OF ST. JOHN**

ANSWER TO BE TABLED ON TUESDAY 21st JUNE 2005

Question 1

Does the President declare any conflicts of interest when dealing with planning matters relating to agriculture given that this was stated to be the case at the time he gave evidence to the Scrutiny Panel during the Agri-Environment hearing?

Answer

When there is a conflict with my personal interests, I declare that interest and leave the Committee room. There was no conflict of interest in respect of the case referred to in Question 2.

Question 2

Would the President confirm whether –

- (a) the Committee has instructed a bona fide farmer to remove his haystack and agricultural machinery from land adjacent to Broughton Farm, St. Mary, and, if so, would he explain the reasons for this and any legal requirement breached by the farmer for which he is required to comply, particularly under Article 13 of the Island Planning (Jersey) Law 1964, as amended, in view of the farmer's agent's request for such information following a letter dated 6th December 2004, which has never been provided?
- (b) the Law can be applied retrospectively given that various haystacks and agricultural machinery have been in existence on the land since before the coming into force of the 1964 Law?

Answer

- (a) Article 13 states that... 'If it appears to the Committee that the amenities of any part of the Island are seriously injured by the condition of any land, the Committee may serve on the owner and occupier of the land a notice requiring such steps for abating the injury as may be specified in the notice to be taken within such period as may be so specified.' In layman's terms, it gives the Committee the power to take action to remove eyesores.

Following a complaint from a member of the public about the unkempt condition of the land in question, a visit was made by the Department and photographs taken, with the owner's permission. The owner was requested to tidy up the land, otherwise the officer would have no option but to report it to the Committee. No action was taken subsequent to that meeting, and the matter was reported to the Committee, which made a visit to the site on 6th December 2004.

The site is easily seen from La Verte Rue, (the main road to Grève de Lecq from the east), and from the entrance road to, and from the houses in, Le Clos Rondin - a residential development carried out on the site of the former Broughton Lodge Farm outbuildings. The various items stored on the site comprised not only agricultural items, but motor vehicles, a shipping container, horse boxes and piles of shale and gravel. The Committee was surprised and disappointed to find the site in such a deplorable condition, and decided to request that the items be removed from the site within 30 days, save that the haystack could be kept until the end of March as winter feed for the owner's horses. The Committee authorised the Department to serve formal notice under Article 13 if its request was not met.

In the event, the request was only partially complied with, and a notice has now been served on the owner of Broughton Lodge Farm and the land in question, (fields 422,423 and 426), under Article 13 of the Island

Planning (Jersey) Law 1964. Specifically, it requires the owner to –

‘Remove all items parked and stored on Fields 422 and 426, remove the hardstanding left by the storage of stone and hardcore, leaving the area in a clean and tidy state as open field. Also remove the Island Express container from Field 423.’

The Department received a faxed letter from the owner's agent on 9th March 2005, even though it is dated 14th December 2004. That has been replied to and there have been subsequent exchanges of correspondence, which answer the questions that have been raised so far as they relate to the condition, as distinct from the agricultural use, of the land.

- (b) The Law has not been used retrospectively. There is no argument about the use of the land, which the Committee accepts was in agricultural use well before planning laws were introduced. Article 13 is concerned about the condition of the land and whether that condition is injurious to the amenities of the area. In this case, storage of the items in this manner and in this location, is relatively recent, several of them are non-agricultural, and the Committee is entitled to use the Law as it has done.

Question 3

Would the President inform members whether any information regarding court costs is given to individuals when they are notified that a right of appeal through the Royal Court exists, and, if not, the reasons why?

Answer

Individuals are notified of their rights of Appeal against the Committee's decisions. However, they are not advised of the costs as these are not within the jurisdiction of the Committee. The agent in this case is well aware that there are costs, and presumably would have advised his client accordingly.