

STATES OF JERSEY

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FIELDS 519, 520, 521, 524, 527 AND 528, TRINITY: COMMITTEE OF INQUIRY

**Lodged au Greffe on 14th September 2004
by Senator E.P. Vibert**

STATES GREFFE

PROPOSITION

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

- (a) in accordance with Article 36B of the States of Jersey Law 1966, as amended, to appoint a Committee of Inquiry to investigate fully the circumstances surrounding the grant of permits to Mr. Charles Gallichan as follows–
 - (i) ‘in principle’ planning permission dated 25th September 2003 “for alterations to the levels in fields 519, 520, 521, 524, 527 and 528, Trinity to achieve upgraded soil quality and manageability. Addition of new natural filling reservoir in the corner of field T519 for irrigation of all adjacent fields” (the first application);
 - (ii) ‘in principle’ planning permission dated 19th December 2003 to develop land and for consent to “form temporary access to field 527, culvert stream, form new natural filling reservoir and fill valley to raise fields 519, 520, 521, 524, 528, Trinity to upgrade soil quality and manageability” (the second application);
- (b) to agree that the Committee of Inquiry shall consist of 5 members of the public to be appointed by the States on the recommendation of Senator E.P. Vibert.

SENATOR E.P. VIBERT

REPORT

The whole saga of the Trinity landfill operation has become a highly emotive issue, with Islanders bewildered by how it has been possible for a scheme to dig out a reservoir and level some fields in Trinity for the purpose of improving soil quality to enable a farmer to produce better crops is now likely to be the site of a massive landfill operation.

The Committee responsible – Environment and Public Services – decided to hold an Inquiry into the matter and appointed Mrs. Carol Canavan, a solicitor for Crill and Canavan, to conduct the Inquiry.

As a member of that Committee, I vigorously opposed this method of Inquiry, pointing out that unless the Committee set up a States of Jersey Committee of Inquiry, as provided by the States of Jersey Law, it would not be possible to get to the truth of the matter. The public perception would also be that the Committee responsible was deliberately avoiding having the matter examined thoroughly.

The Canavan Inquiry was compromised right from the outset by the appointment of a solicitor working for a legal firm that represents the Committee as the Inquiry. (The Committee is, in effect, the solicitor's client.)

The integrity of the Inquiry was further damaged when Mrs. Canavan refused to accept evidence from me on the basis that I was not involved directly in any of the decisions.

However, she invited Senator Ozouf to give evidence to her, who was in the same position as myself in that he had not been directly involved in the decision-making process at the time either. This inconsistency damaged the credibility of the Inquiry.

Furthermore, I was the States member who had bought a censure motion against Senator Walker over the e-mails he had sent to various members of the Committee and planning officers. I had written to Mrs. Canavan and outlined my deep involvement in the issue and the evidence I wished to give, some of which contradicted statements made by a number of politicians and officials. In my view, her refusal to hear my evidence added to the growing unease of the public about the integrity of the Inquiry.

It would be clear to most people that an inquiry that compels no-one to attend, which took evidence without administering an oath and at which a person was not compelled to answer a question if he/she did not want to, is not the way to get to the truth of things.

A States Committee of Inquiry is a different matter. Such an inquiry will require terms of reference which will enable it to probe and make judgements on matters such as –

- Was the agricultural scheme put forward by Mr. Gallichan practicable, feasible and cost-effective? Would it have achieved what he set out to achieve?
- When he made his application for this scheme was he financially able to see it through to its completion?
- What was the amount of infill required to carry out the scheme and how many truckloads did that represent, together with a timescale? Did anyone check Mr. Gallichan's calculations of 50,400 cubic metres of infill required from the drawings submitted to ensure their accuracy?
- Was any calculation made as to the number of truckloads and total tonnage of top-soil required to cover the infill to a depth of one metre or provide any costs of rehabilitating the site back to an agricultural state fit to grow potatoes on again?
- The motivation and purpose of the e-mails sent by Senator Walker to planning officers and other politicians: was his intervention just to speed up the process or was it to influence them into giving Mr. Gallichan a permit that he could sell as a landfill operation to get him out of his financial problems?

- The motivation and purpose behind Deputy Dubras' intervention: did he intervene because he feared that Mr. Gallichan might take his life if he could not solve his financial problems? Was this a proper reason for Deputy Dubras to intervene and affect the planning process?
- Assess the role played by Mr. Cummins, the contractor, in the process on such matters as: when did he become aware that the site at Trinity was a landfill opportunity; what was the source of his finances to purchase the land and his financial calculations as to the amount of profit he could receive from the project?
- Establish when Senator Walker knew that the scheme was an agricultural one.
- Compare what was said by politicians during the censure motion on Senator Walker and what they said to the Canavan Inquiry.
- Establish the timetable of when Mr. Gallichan decided to quit potato farming.
- Establish the dates when other contractors were aware that a landfill opportunity was available at Trinity.

The terms of reference which will enable the Inquiry to arrive at conclusions on the above matters must be approved by the States. Members will have the opportunity to add or alter to these terms by amendment. There are some very serious issues involved in this saga, which includes the use of political power to affect a decision of the planning authority by the Island's most senior politician and by the then Committee President, in addition to the efficiency of the planning system and the quality of the information given to the Committee by the applicant.

It is my considered view that the only way this whole matter can be satisfactorily resolved in the eyes of the public and States members is by a States of Jersey Committee of Inquiry. The argument advanced by one of the major players in the Inquiry, Senator Walker, that it would be a "waste of public money to hold another inquiry" does not deal with the issue that there has not been a proper Inquiry, only a very superficial one. In addition to that, it was Senator Walker who recently came to the House with a proposal to spend £100,000 in fees for paying people to sit on an Inquiry into the Connex matter.

There is no need for a States Committee of Inquiry to cost more than £20,000 for administration.

Until this is done, the public of Jersey will again take the view that there is one rule for the rich and powerful of this Island and another for ordinary Islanders.

The only financial or manpower implications in this proposition are the £20,000 cost as outlined above.

The "Trinity infill" saga has led to heated debate both in the States and throughout the Island. The President of the Environment and Public Services Committee decided to hold an Inquiry into the matter and appointed Mrs. Canavan of Crill and Canavan to conduct an Inquiry but with no formal structure and no powers. I argued before the Committee that this would be unacceptable to the people of Jersey who wished to know the truth of the matter and this could only be arrived at via a proper Committee of Inquiry set up with the approval of the States, which approved the make-up of that Inquiry, its chairman and its term of reference as provided for by the States of Jersey Law 1966, as amended.