

STATES OF JERSEY



ISLAND PLAN 2002: H4 SITE No. 15, SAMARÈS NURSERY, ST. CLEMENT AND FUTURE AMENDMENTS TO THE ISLAND PLAN (P.95/2007): COMMENTS

**Presented to the States on 23rd October 2007
by the Minister for Planning and Environment**

STATES GREFFE

COMMENTS

The proposition falls into two distinct parts, one relating to a specific site earmarked in the 2002 Island Plan and the other to procedural matters for approval of future Island Plans in relation to the legal requirements of the Planning and Building (Jersey) Law 2002, as amended.

My comments are as follows –

Samarès Nurseries

It is my view that a one-off proposition of this nature is not the appropriate way to consider this matter. As Members will know, I have commenced the review of the Island Plan 2002, which will incorporate an updated review of housing needs and will review the suitability all of the H3 and H4 sites which have not already come forward for development. I feel it would be better to make a decision on specific sites within the context of the Island Plan Review.

However, I can assure the Deputy that I will not bring any proposition or recommendation to the States regarding the designation of Samarès Nurseries for development, nor will my Department consider or determine any planning application, in advance of the States debating the Reviewed Island Plan Document.

Amendment to the Planning and Building (Jersey) Law 2002

Article 3 of the Law prevents Members of the States bringing propositions, or amendments to any proposition of the Minister, to adopt or modify the Island Plan, because it provides only for the Minister to present the Plan or revisions to the States.

The Article also requires any such proposal to be publicised and the opportunity given to the public to make representations, and for those representations to be heard in public. Were the Law to change to allow Members to bring direct propositions to amend the Island Plan, it would, I believe, be essential for there to be such consultation before it could be debated. There have, for example, been occasions in the past where propositions have been brought by Members regarding the designation of sites, without even consulting the owners.

However, I support the principle of the Deputy's amendment. The Law requires me to make an Order prescribing how my proposals shall be publicised and how representations from members of the public should be made and heard. My department is currently working on a law drafting brief for the Order dealing with public involvement in the Island Plan Review in 2008. It may be possible to deal with Deputy Gorst's proposal in this Order and I will seek legal advice on this point. In the event that it cannot be dealt with in this way, I will bring a proposition to amend the Planning and Building (Jersey) Law 2002 to enable Members to lodge amendments to the draft Island Plan, with the appropriate public consultation safeguards, before it is debated in the States for.