

# STATES OF JERSEY

**r**

## **FIELDS 519, 520, 521, 524, 527 AND 528, TRINITY – RESCINDMENT OF PLANNING PERMIT (P.74/2004) – COMMENTS**

---

**Presented to the States on 12th October 2004  
by the Environment and Public Services Committee**

---

**STATES GREFFE**

## COMMENTS

### Comments on Part (a):

The Environment and Public Services Committee considered the above matter at its meeting on 7th October 2004, having first visited the site, and with the benefit of legal advice prepared by the Law Officers of the Crown. In addition it had regard to the findings of the Inquiry conducted by Mrs. C.E. Canavan on the Committee's behalf.

**The Committee has decided it intends to revoke that part of the permission involving the importation of fill material to the site.** Its reasons for doing so are its concerns about the impact of heavy traffic and machinery in the locality and about the quality of fill material which potentially could pollute the watercourse which drains to the Grands Vaux reservoir. The Committee considers the reservoir to be acceptable.

The Committee has been advised that it should indicate its intentions to those with an interest in the land (which it has done), inviting any representations they may wish to make. After consideration of these representations, any notice revoking or modifying the permission must state its reasons for it to those with an interest in the land.

Contrary to the assertion in the Senator's projet, there **will** be financial implications. Paragraph (4) of Article 7 of the Island Planning Law requires that if, within a month of the service of such a notice, a claim is made by an interested person that work has been abortive or otherwise that he has sustained loss or damage as a direct result of the revocation, the Committee *shall* pay compensation.

As far as estimates of compensation are concerned, it would be inappropriate for the Committee to prejudge what will, after service of a notice, be determined by negotiation, and in event of no agreement, arbitration. The compensation could be substantial, and will necessitate further discussions with the Finance and Economics Committee. Open debate of the compensation matters could severely prejudice the Committee's position.

In the light of the foregoing in particular, the Committee questions the necessity of debating part (a) of the Senator's proposition, and invites him to withdraw this part of it.

Article 21 of the Law also allows for an appeal to the Royal Court against the revocation decision, within 2 months, on grounds that the decision was unreasonable.

The service of a notice under Article 7 can therefore bring with it not only a claim for compensation but also an appeal to the Royal Court. The Committee believes there are sufficient reasons, based on planning considerations, for it to defend any such appeal. However, there are no guarantees to this effect.

### Comments on Part (b):

It is the Committee's view that the report of Mrs. C.E. Canavan, published as R.C.43/2004, provides this information.

### Comments on Part (c):

Applications will continue to be listed in the Jersey Evening Post and on the Committee's website [www.planning.gov.je](http://www.planning.gov.je).

However, the Committee is taking urgent steps to introduce the Planning and Building (Jersey) Law 2002 as soon as possible in early 2005. As the projet demonstrates, an Order made under Article 11 of that Law can require applicants to place prominent notices of a standard format on the application site on submission of the application, describing in precise terms what is proposed and explaining how and when the proposals can be viewed at the Planning Department.