

**STATEMENT TO BE MADE BY THE PRESIDENT OF ENVIRONMENT AND PUBLIC SERVICES
COMMITTEE
ON TUESDAY 27th APRIL 2004**

Since the appointment of the new Environment and Public Services Committee, members will be aware of a number of representations concerning an approved Planning Consent which was described as *“Infill fields 520, 521, 528 and 527. Create new natural filling reservoir in fields 519 and 524 to irrigate adjacent fields.”* This was approved in principle by the former Committee’s Sub-Committee on 25th September 2003. The detailed Planning Application was later described as *“Form temporary access to field 527, culvert stream, form new natural filling reservoir and fill valley to raise fields 519, 520, 521, 524 & 528 to upgrade soil quality and manageability”*.

The concerns raised were how the applications were advertised, why department recommendations to refuse consent to the in-principle application were not accepted by the Sub-Committee, the way in which the second (Planning detail) application was dealt with under delegated powers, the role of the Parish of Trinity together with questions concerning other States members representation’s on behalf of the applicant.

On Friday 16th April 2004, I reviewed the files on the matter at the Planning office and then visited the site with the Chief Executive Officer. Following this, I requested the department to prepare for the Committee an initial report on the two applications and the circumstances leading up to the granting of consent.

On Saturday 17th April 2004, I met a group of residents privately with Committee member Senator E.P. Vibert. Senator P.V.F. Le Claire was also present.

On Sunday 18th April 2004, a member of the previous Sub-Committee was reported in the media as raising further concerns about the applications.

On Monday 19th April 2004 , I issued a media statement clarifying that the Planning Consent does not allow the applicant to commence work until the Committee is satisfied that all the detailed conditions are fully met.

On Tuesday 20th April 2004, without notice, Senator P.V.F. Le Claire lodged a proposition, P.74/2004 entitled *“Fields 519, 520, 521, 524, 527 and 528, Trinity – rescindment of planning permit”*. That proposition includes, amongst other things, a request for the Committee to rescind the consent. This proposition has been referred to the Committee for a report.

On Thursday 22nd April 2004, its scheduled meeting, the committee discussed the initial report I had requested including a draft chronology of events from the Planning Department files. The Committee discussed how it should best proceed.

After discussion, the Committee decided that it should only consider this matter when it has all the relevant facts placed before it. The Committee agreed that a suitably qualified person, not previously connected with the applications, should be requested to review the whole matter and prepare a comprehensive report.

I am in the process of identifying a suitably qualified individual to produce this report, which I expect to take a number of weeks to produce.

Members will be aware that the legal authority for making decisions on applications rests with the Committee and not the States. In addition, all decisions are appealable to the Royal Court or can become subject to legal proceedings. Legal opinion, backed by case-law, is that the Committee should not substitute the States decision for its own.

Until the Committee’s independent report has been completed, and unless absolutely necessary, I do not propose to make any further public comment on the matter. I have requested members of the Committee to do the same.

