

STATES OF JERSEY

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COMMITTEE OF INQUIRY: CONSTRUCTION OF 76 HOUSES AT JAMBART LANE, ST. CLEMENT; AND PUBLIC CONSULTATION PROCEDURES

Lodged au Greffe on 24th February 2004
by Deputy R.G. Le Hérisier of St. Saviour

STATES GREFFE

PROPOSITION

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

in accordance with Article 36B of the States of Jersey Law 1966, as amended, to approve the appointment of a Committee of Inquiry to investigate the circumstances leading up to and surrounding the granting of planning permission for the construction of 76 houses at Jambart Lane on Fields 203, part of 204 and 252, St. Clement and to report thereon, and on the procedures for public consultation when determining potentially controversial applications, to the States with such recommendations, if any, as the Committee considers to be appropriate.

DEPUTY R.G. LE HÉRISSIER OF ST. SAVIOUR

REPORT

The Environment and Public Services Committee approved the application for the above St. Clement site despite the fact that only two weeks previously the Assembly had accepted a proposition of Deputy G.C.L. Baudains of St. Clement, P.152/2003, regarding Fields 203, 204 (part) and 252, Rue de Jambart, St. Clement: restriction of development, (limiting the development to 45 homes and requiring greater parking facilities to be included), by a majority of 28/13 with 3 abstentions. Deputy Baudains has since received an unprecedented number of phone calls from irate Islanders to the extent that he has been unable to respond to all of them.

A chronology précis of the matter is as follows –

- Parishioners of St. Clement were only consulted on 45 homes for that site (which they unanimously rejected).
- The number was subsequently increased to 75 in the Island Plan, adopted by the States in 2002.
- An architect's interpretation of the Committee's Development Brief was subsequently presented to parishioners in July of 2003, triggering written comments to the Committee, most of which were critical of the plans.
- After detailed examination of those plans, the Parish of St. Clement asked to meet with the Committee.
- The delegation met with the Planning Sub-Committee on 22nd October 2003.
- The delegation was received with courtesy and it is believed that its arguments were taken 'on board'.
- It is understood that as a result the Sub-Committee researched several issues.
- As neither the sub-committee nor the President (despite several requests by Deputy Baudains) was able to give the assurances that Deputy Baudains sought, he lodged P.152/2003 as referred to above.
- During the ensuing States debate on 27th January 2004, the general consensus was that the development proposed was inappropriate for the area.
- On Wednesday 11th February 2004, the Environment and Public Services Committee called an emergency meeting at 6 p.m. to determine the application.
- The meeting was attended by the developers, together with their architect and lawyer. The Connétable of St. Clement and Deputy Baudains represented the Parish of St. Clement.
- The meeting began with a presentation by a Planning Officer, who concluded by recommending the Committee approve the application.
- Representations were then made by the Connétable, Deputy Baudains and finally the developer's lawyer. During the meeting Deputy Baudains asked the President whether the Committee had taken legal advice. He replied that he would not answer the question. Both the Connétable and Deputy Baudains left at 7.05 p.m. for another meeting.
- The Connétable and Deputy Baudains were astonished to learn, by letter from the Committee in the following Friday morning's mail, that the application had been approved.

There are several reasons for their surprise –

- (a) the States' clear disapproval of the proposed scheme;

- (b) the Sub-Committee's previous concern about various aspects of the proposal;
- (c) that the Committee faced a vote of no-confidence the following Tuesday (which was widely believed it would lose) – the decision should therefore have been deferred;
- (d) the application contravened several Island Plan Policies, some of them major ones. Aspects included safety, insufficient/inappropriate parking and infrastructure overload (drains, surface water, potable water supplies, etc.);
- (e) there have been suggestions that officers advised the Committee that to refuse the application would leave the Committee open to "millions of pounds" in compensation should it lose the Court case which the developer's lawyer had threatened to start were the application refused. Legal advice Deputy Baudains has received (which at least one senior officer will be aware of as well) shows this worry to be unfounded. This view was subsequently supported in further legal advice received by Deputy Baudains. It appears that the Committee did not take legal advice. Therefore, there are concerns about the circumstances surrounding the Committee's approval of this application.

Why did the Committee, facing a vote of no-confidence only 6 days later, hold an emergency evening Committee meeting? Was the decision made in full consideration of the facts and was it taken under duress?

The advice given by the officers may have been inaccurate and thus made the committee feel obliged to make a decision it may not have otherwise done. It is important to determine the accuracy of advice given and whether pressure had been applied to any of the parties.

There is the broader issue of how far are the Committee's hands tied by matters such as the States adoption of the Island Plan and in particular the rezoned sites for category A housing? Is the Committee obliged to deliver the number of houses stated for each site regardless of Planning Policies, changing demand for houses and other issues?

The first opportunity for parishioners to identify problems with the Rue de Jambart site was at the July 2003 presentation of the architect's interpretation of the Committee's Development Brief. The Committee has suggested it was then too late for any major changes to be made. Does this highlight a procedural deficiency? Current estimates of housing demand, (the Committee promised a review but no precise figures came forward), are crucial in assessing whether the decision to approve the Island Plan needs to be varied in detail?

Finally, there are some concerns about process; clearly developers need to get a 'steer' from the Department as to what may or may not be acceptable, and officers, who could have been working with a developer for quite some time, need to remain sufficiently detached to give the Committee an impartial recommendation when the application comes up for determination. By spending a long time working with a developer, do the officers effectively become part of the team and therefore no longer able to be objective? This situation may have arisen in other cases dealt with by Deputy Baudains in the past.

The financial and manpower implications of this proposition are minimal, and any legal advice relating to this matter should be available from the Crown Officers. A Committee of Inquiry of this size generally costs in the order of £2,500, assuming no staff costs are incurred.