

**WRITTEN QUESTION TO THE MINISTER FOR PLANNING AND ENVIRONMENT  
BY DEPUTY G.C.L. BAUDAINS OF ST. CLEMENT**

**ANSWER TO BE TABLED ON TUESDAY 15th JANUARY 2008**

**Question**

With regard to the Goose Green Marsh development, would the Minister explain why the developer was issued a permit for development before details of conditions were finalised, and advise the Assembly of the approximate number of occasions that permits have been issued in similar fashion since the 2002 Island Plan?

**Answer**

At the outset, may I thank the Deputy for his question, because it is clear there remains some misunderstanding about my decision to grant planning permission for the Category A housing development at Bel Royal. The permit was not issued before details of conditions were finalised and I am not aware of any other permits issued in such a fashion. It is, however, true that the permit was issued before details of the Planning Obligation Agreement were finalised, for reasons that are explained in this answer.

In order to answer this question more fully, I think it is important to first describe in detail the chronology of and the context for the decision.

As I have outlined to this Assembly on previous occasions, I made my decision to grant planning permission for the development in question at Bel Royal (P/2006/2489) on 21st March 2007.

At that time, I instructed the Planning Officer to write up the consent for 102 homes together with various associated works, subject to finalisation of conditions and to a requirement that the applicant should enter into a Planning Obligation Agreement.

On the 4th May 2007, following the finalisation of the conditions, I agreed to release the permit and to publish my detailed report on the application (dated May 2007).

The permit was formally issued on the 8th May 2007, subject to 62 planning conditions covering a wide variety of issues. These included a requirement to enter into a formal Planning Obligation Agreement "*within 6 months of the date of the permission*" (i.e. 8th November 2007) and also allowed for the commencement of a certain amount of development in advance of the Planning Obligation Agreement being signed and registered.

My findings on the application and the issues arising and my reasons for granting planning permission and issuing the permit are fully set out in my published report on the application, which is still available for viewing on the Planning and Environment Website under 'News Releases 2007'. At the time, I thought it appropriate to permit the commencement of development in advance of the Planning Obligation Agreement, in order to avoid further delaying the development of homes required to meet the Island's identified needs and, also, to ensure that it would not become necessary for the Developer to lay off a large proportion of their workforce. It is important to note that it was made very clear to the Developer that all works undertaken prior to the signing off that Planning Obligation Agreement were at their own risk.

In my report on the application, I recognised that it was unusual to permit the development in advance of the Planning Obligation Agreement being signed and registered. However, I considered there were good grounds for doing so in this instance. Furthermore, there was already a precedent for so doing, set by the

former Planning and Environment Committee in association with the planning permission granted to develop one of the other H2 Category A housing sites at Fields 786 and 787, La Rue des Cosnets, St. Ouen.

I would accept that if I had not issued the permit until the Planning Obligation Agreement was in place, it is likely that there would have been far fewer planning conditions, because many of the requirements set out in the conditions would have been met in the interim period.

Negotiation of the required Planning Obligation Agreement for the Bel Royal site is now at an advanced stage. Unfortunately, this has taken longer than originally anticipated and it has not been possible to complete the work within the envisaged time period. As a consequence, the applicant has made an application to vary the condition (and other similar time-constrained conditions) to allow more time for compliance, and I will be deciding upon this application in due course, under Article 21 of the Planning and Building (Jersey) Law, 2002.

Finally, may I remind Members that the circumstances surrounding the whole of this application, which spans the work of a number of former committees, are subject to an on-going public inquiry and I would hope that the House feels it is appropriate to confine further examination to that inquiry.