

# STATES OF JERSEY



## ISLAND PLAN 2002: H3 SITE No. 8, FIELD 1248 AND CHANNEL TELEVISION SITE

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Lodged au Greffe on 2nd February 2010  
by Deputy J.A. Hilton of St. Helier

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STATES GREFFE

## **PROPOSITION**

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

to refer to their Act dated 11th July 2002 in which they approved the revised draft Island Plan as a Development Plan under Article 3 of the Island Planning (Jersey) Law 1964, as amended, and –

- (a) to request the Minister for Planning and Environment to take the necessary steps to bring forward for approval a revision to the Island Plan 2002 to provide that the remaining parts of the H3 – No. 8 site, namely the Channel TV site and Field 1248, La Pouquelaye, St. Helier, in respect of which no planning permission has already been granted be rezoned as Countryside Zone in accordance with Policy C6 of the said Plan; and
- (b) to request the Minister not to give approval to any applications for these areas of Field 1248 which may be outstanding at this time before this proposition is debated by the Assembly.

DEPUTY J.A. HILTON OF ST. HELIER

## REPORT

Having given this matter a lot of thought and consideration, I believe the only option I have left to me to protect Field 1248 from development despite an application for housing being refused by both the Planning Applications Panel and Minister for Planning and Environment was to bring the matter to the House in order States Members can decide whether this field merits rezoning or not.

Field 1248 is one of eleven sites which fall under Policy H3, 'Sites for Further Consideration for Category A Housing' in the Island Plan.

It has always been my understanding that H3 and H4 sites would be brought to the House for zoning but it would appear there is some doubt as to whether this is indeed the case.

I believe it is of utmost importance this matter is brought to the States and debated. I cannot find anywhere in P.69/2002 ('Island Plan') or the Island Plan Policies document where it gives any indication other than the sites to be brought forward for rezoning. In Section 8 of the Plan – Housing – 8.89, it reads "Bringing forward these eleven sites for zoning requires public consultation". Further on, 8.103 "The rezoning of all eleven sites would yield approximately 313 dwellings".

I believe the matter of seeking States approval for the zoning of H3 sites was also confirmed within the text of P.69/2002. Sections 16.6 and 16.11 of that proposition reads as follows –

16.6 However, the scale of likely future housing requirements in the qualified sectors (and notably for Category A purposes) means that they cannot be met without the release of new land for development. The new Plan proposes that the shortfall of some 870 homes be met by –

- Policy H2 - the rezoning of land for Category A housing purposes (including social rented housing and homes for first-time buyers); and
- Policy H3 - other identified sites which, pending Public Consultation, will be brought forward for rezoning after the adoption of the Plan.

The new Plan also puts forward sites to be safeguarded to assist in providing for longer-term Category A housing needs. (Policy H4).

16.11 All the other sites included in Policy H3, H4 and other suitable opportunities, which may arise, will, subject to public consultation, be brought forward for zoning as necessary following adoption of the Plan.

The matter of rezoning H3 sites was considered by the Environment and Public Services Committee when the Committee lodged P.12/2005 ('Field 812A, Bagot Manor Farm, St. Saviour – rezoning') on 25th January 2005. The Committee decided to bring this site forward for rezoning by the States because, if I recall correctly, there was an adjacent development being carried out and it made sense to continue the development through to Field 812A. In the Report to the States paragraph 3.1 reads "The Committee wish to clarify the proposal to rezone this site within the context of

the Island Plan. The 2002 Island Plan gave a number of commitments in relation to future housing developments which are relevant to this site”.

So it would confirm to me the Environment and Public Services Committee of the day certainly saw the need to bring the proposal to the States for approval.

Field 1248 was one of twelve sites consulted on when being considered for inclusion in P.75/2008 Provision of land for lifelong dwellings for (people over 55) and first time buyers.

During the early part of 2008, the then Assistant Minister for Planning and Environment Deputy Pryke and I carried out extensive consultation with the public and interested parties to gauge public response to the proposed sites.

At a later meeting attended by the Minister for Planning and Environment, Senator Cohen, and the Minister for Housing, Senator Le Main, a decision was made to drop Field 1248 from the rezoning Proposition due to the outright public hostility to development on this green field site. It was decided Field 1248 should be wrapped up in the Island Plan review in order to take an holistic view of green field development island-wide.

Following this decision I made contact with the Environment Director on 24th February 2009 to ask him whether Field 1248 was included in the Island Plan review for housing. He responded, *“Jackie, the short answer is No, we have no intention of including this site for housing”*, he went on to say *“The estimated supply of housing from existing built up areas indicate that there is no current need to look at green fields to meet the expected demand over the Plan period and the Minister has indicated that the review of the Island Plan will therefore not propose any green fields for development. On this basis Field 1248 will not be considered for inclusion in the proposed draft plan”*.

Members can understand my anger when from nowhere an application was submitted on what in my opinion was un-zoned land.

The subject of rezoning was brought up by me at the Planning Applications Panel when the application was being considered. I felt the matter of zoning should be considered first before the detail of the application was discussed. This point was supported by the comments of the Planning Applications Panel recorded in their Minutes of 11th June 2009 which I copy here for ease of reference –

“The Chairman indicated that he was greatly concerned by the present application. He questioned whether the demand previously identified remained, given the changed circumstances of many potential first-time buyers in the light of the current economic downturn. Of particular concern was the knowledge that the Minister for Planning and Environment had withdrawn Field No. 1248 from consideration for inclusion with the other potential H3 sites after the matter was put out for consultation. The Connétable of St. Saviour, echoing the points raised by the Chairman, emphasised that the present application needed to be determined on policy grounds and that it was clear that the La Pouquelaye site had not been included when the matter had been considered by the States. Consequently, the Connétable was not prepared to approve the present application until the

zoning issue had been resolved. Deputy Power referred to the HomeBuy Scheme (which was recognised as being the only such scheme presently in operation in the Island following protracted negotiation) and suggested that it did not in any event meet Planning and Environment Department requirements. The Deputy questioned whether, given that Field No. 1248 had not been included in the debate on the H3 sites, that land was still classified as “agricultural land”, even though it had remained unused for that purpose since 2002. Deputy Power indicated that he too was not prepared to approve the present application, and suggested that it should be refused. The Connétable of St. John indicated his refusal of the application on the basis that the issue of rezoning was a matter for the States to determine. Deputy Le Claire commented that as the present application fell to be determined under current policy, account must be taken of the traffic implications and the various other matters which had been raised by neighbouring residents. It was clear that the needs of the Island for sufficient housing were a significant factor, but that the issues raised at this meeting were emotive to those involved. Whereas Field No. 1248 had been withdrawn as a potential H3 site on the basis that it was to be “for further consideration as a site for development”, the Deputy considered that it would be appropriate for all the agreed H2 sites to be developed before moving on the agreed H3 sites, and then on to further sites thereafter. The Deputy agreed that the zoning of Field No. 1248 should be a matter for the States to determine.

**The Panel accordingly was minded to refuse the application on the basis that the zoning issues associated with Field No. 1248 should be referred to the States. As this decision was contrary to the officer recommendation, the Panel noted that in accordance with Ministerial Decision MD-PE-2006-0012, the application would be referred to the Minister for Planning and Environment. The Panel asked for legal advice on the Island Plan designation and zoning issues surrounding the site to be sought from the Law Officers’ Department.”**

The application was subsequently considered by the Minister, Senator Cohen, during a Ministerial hearing in September 2009. The Minister wrote to me on 13th October 2009 outlining the reasons behind his refusal of the development. As Members can imagine, I was delighted to be informed the Minister had refused the application for the reasons outlined below –

1. The site is identified in the 2002 Island Plan as being subject to policy H3 of the Plan. The purpose of that Policy was to provide the next tranche of Category A housing sites, which would be assessed and brought forward following public consultation after the Policy H2 sites had been exhausted, and subject to there being a continuing need. The expectation of States Members was that the sites would be brought to the States Assembly for rezoning, which had been the case with the only other H3 site (Bagot Manor Farm) which was brought to the States in 2005.
2. The Draft Island Plan 2010 has been published and does not recommend this site for development as it is considered that predicted housing needs can be met through development within the designated Built Up Areas and the development of brownfield sites. Accordingly

the application is considered to be prejudicial to the emerging Island Plan.

If States Members support this Proposition, I believe this will be sending a strong message to the Minister confirming all H3 and H4 sites in the 2002 Island Plan should come to the States to be debated before any decisions are given for development.

**Financial and manpower implications**

There are no manpower implications arising from this Proposition. There are no financial implications arising from this Proposition. Any other financial implications will depend upon the actions of the Minister for Planning and Environment following any States request.