

STATES OF JERSEY

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ISLAND PLAN 2002: H4 SITE No. 15, SAMARÈS NURSERY, ST. CLEMENT AND FUTURE AMENDMENTS TO THE ISLAND PLAN

**Lodged au Greffe on 20th July 2007
by Deputy I.J. Gorst of St. Clement**

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 site H4-15, namely Samarès Nursery, La Grande Route de St. Clement, St. Clement be rezoned as Countryside Zone : accordance with Policy C6 of the said Plan; and
- (b) to request the Minister for Planning and Environment to bring forward for approval appropriate amendments to the Planning and Building (Jersey) Law 2002 to allow all members of the States to be able to lodge for debate amendments to any future Island Plans or revisions of such Plans brought forward by the Minister.

DEPUTY I.J. GORST OF ST. CLEMENT

REPORT

The effect of this proposition, if approved, would be to request that the Minister for Planning and Environment designate site H4-15, Samarès Nursery, St. Clement (Site plan attached at Appendix 1) as countryside zone.

Members may be questioning why I should bring this private proposition now and in this manner.

I initially wanted to bring an amendment to P.61/2007 – ‘Rezoning of land for Category A and lifelong dwellings for the over-55s’ – lodged by the Minister for Planning and Environment, prior to its withdrawal. However, after some discussion (a copy of the Bailiffs ruling on this matter is attached at Appendix 2) it was decided that it was not possible for a private member to bring an amendment to that proposition because of the Planning and Building (Jersey) Law 2002 (“the Law”), which states that the Minister must consult upon any amendments to the Island Plan 2002. This consultation is to be prescribed by Order of the Minister. (I attach a copy of that Order at Appendix 3 for members’ reference.)

Due to that limitation it will never, as the Law currently stands, be possible for a private member to bring an amendment to any proposition that the Minister might lodge relating to any change to the Island Plan 2002. I recognise that one of the obligations upon the Minister is to protect the public interest, hence the need for full consultation; it is important that the public interest protection is maintained. It might therefore be that the Law could be amended to allow a 4-week lodging period during which private members could lodge amendments, prior to the Minister undertaking full consultation. This is only a possible suggested approach to maintaining that protection.

I therefore as part of this proposition call upon the Minister to bring forward any necessary changes to the Planning and Building (Jersey) Law 2002 to enable private members to bring amendments to any future revisions the Minister may wish to make.

I wished to lodge an amendment to P.61/2007 to act as a counter-balance to the unprecedented rezoning of countryside zone for development that that proposition represented. I was not seeking to remove any of the sites in that proposition; I understand the joint working which has gone into producing that document between not only the Minister for Planning and Environment and the Minister for Housing, but also with the Parish Connétables. What I was seeking to do was to recognise the need for lifelong dwellings for the over-55s, and perhaps conceding that in order to meet that growing need, some land may need to be rezoned (with the important caveat that all rezonings are supported by the Parish). What this proposition aims to achieve is to counter-balance the rezoning of green fields with a small rezoning of one of the H4 sites which is currently occupied by disused greenhouses.

St. Clement

Members can be in no doubt that residents of St. Clement have become more and more distressed by the development that has occurred and is continuing to occur in the Parish, and also by the totally inappropriate style of some developments. La Rue du Jambart is a case in point, where a traditional country lane has been ruined by the imposition of urban standards on a rural community.

St. Clement is Jersey’s smallest Parish with a land area of only 4.2 km²: 50% less than, for example, St. Mary, the second smallest, which covers 6.5 km²

On the other hand, St. Clement is home to 9% of Jersey’s people with a population of 8,196, giving a density of 1,951 persons per km², compared with St. Mary, which has a population of 1,591 and a density of 245 person per km²

From the following table, taken from the 2001 Census, it can be seen that despite being the smallest Parish, the population density of St. Clement is second only to that of St. Helier.

Parish population and density

Parish	Population 2001 Census	Percent of total	Area (km.²)	Population Density (persons per km.²)
St. Helier	28,310	32	8.6	3,292
St. Saviour	2,491	14	9.3	1,343
St. Brelade	10,134	12	12.8	792
St. Clement	8,196	9	4.2	1,951
Grouville	4,702	5	7.8	603
St. Lawrence	4,702	5	9.5	495
St. Peter	4,293	5	11.6	370
St. Ouen	3,803	4	15.0	254
St. Martin	3,628	4	9.9	366
Trinity	2,718	3	12.3	221
St. John	2,618	3	8.7	301
St. Mary	1,591	2	6.5	245
JERSEY	87,186	100	116.2	750

These statistics, along with others issued by the Planning Department, speak for themselves and highlight why Samarès Nursery needs to be rezoned.

St. Clement has more than played its part in alleviating the supply problem of both Category A and social housing, and P.61/2007 includes a site within the Parish for lifelong dwellings.

The Island Plan (2002) policy on countryside zone and redundant glasshouses is clear; below is an extract from the Island Plan for ease of reference.

Policy C20 – Redundant Glasshouses

- 5.84 Changes in the horticultural industry have led to many glasshouses falling into disuse and eventual disrepair and dereliction. Many owners and growers consider such circumstances might enable development to be permitted on the site. However, glasshouses are regarded as temporary structures related to the basic horticultural use of the land and subject to the policies for the countryside at large.
- 5.85 The dereliction of glasshouses blights the landscape in many parts of Jersey and sterilises the land for other agricultural uses. Only in exceptional circumstances will such derelict sites be appropriate for non-agricultural development and it is the intention of the Planning & Environment Department that appropriate means are introduced to encourage or assist landowners and horticulturists to remove these eyesores and enhance the countryside.

There is a presumption against the development of redundant and derelict glasshouses for non-agricultural purposes. In exceptional circumstances the development of redundant glasshouse sites for non-agricultural purposes may be permitted.

It is the presumption contained both within this policy and policy H4 that I ask members to uphold.

Policy H4 clearly states that site H4-15 must be the subject of public consultation and FURTHER CONSIDERATION FOR SAFEGARDING. This proposition now gives members an opportunity to recognise and repair the damage already done by over-development with St. Clement and safeguard this site.

By zoning this site as countryside zone, the Minister would be ensuring that the countryside is being maintained as a barrier against the ever-creeping urbanisation of the Parish of St. Clement.

It is now becoming widely recognised that over-development and unit sizes within developments are a contributing factor to growing social problems. By supporting this proposition, members will be allowing the Minister to ensure that those social problems can be limited and corrected, not added to in an already developed area of the Parish.

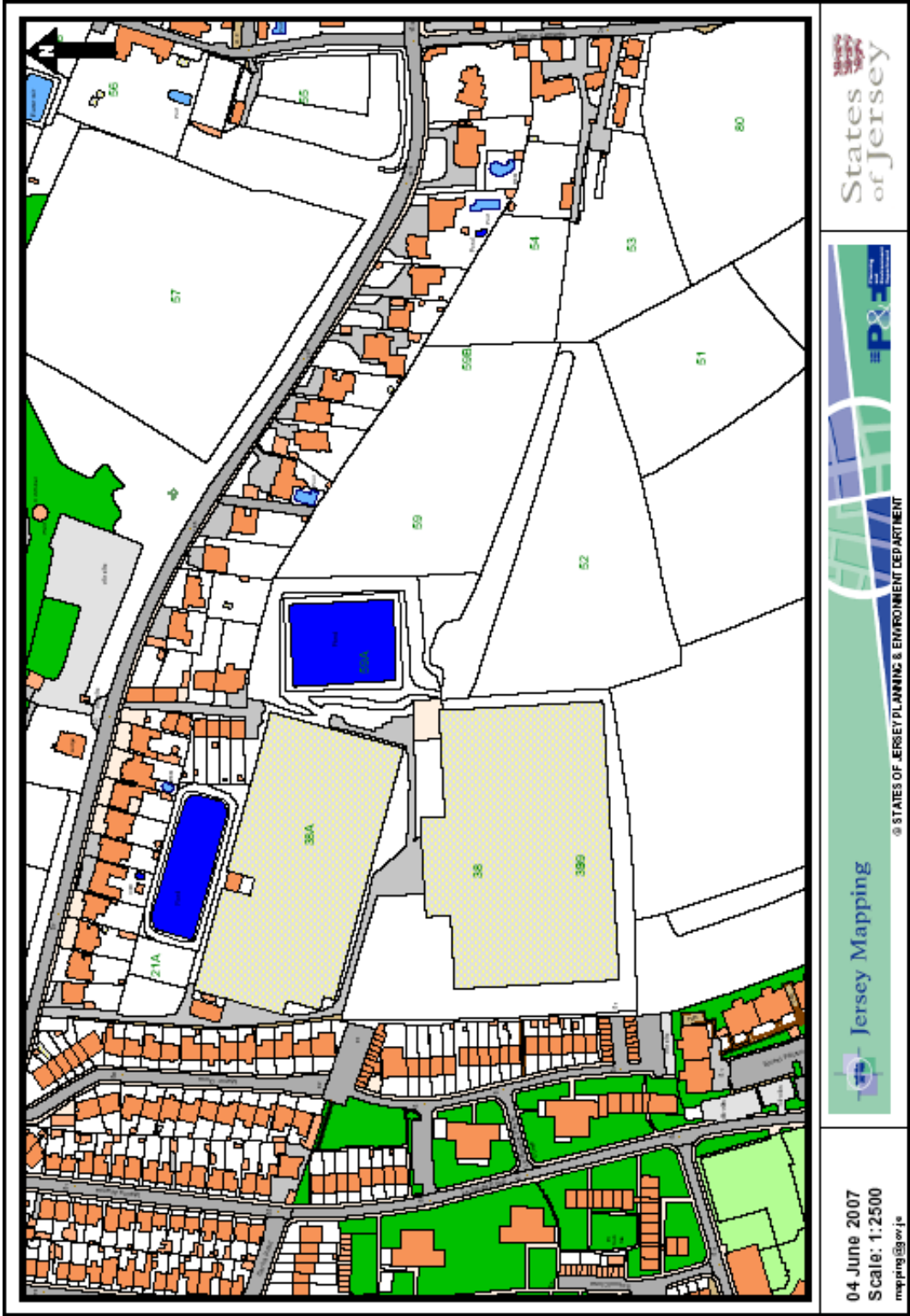
In his proposition the Minister had confirmed the support of the Connétables and that his proposition would be subject to a period of consultation, in order to comply with the requirements of his Order, I state the following –

I am delighted to be able to confirm that the Connétable of St. Clement gives his support to this proposition.

I can also confirm that adverts will be placed within the Gazette section of the Jersey Evening Post. I will also carry out consultation via public meetings to which I cordially invite members. I would also be please to receive any written submissions from either States members or members of the public during the consultation period.

I understand that the Minister will re-lodge an amended proposition in due course: I will be asking the Assembly leave to debate this proposition at the same Sitting as the Minister's amended proposition is debated.

There are no manpower implications arising from this proposition. There are no obvious 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.



States of Jersey



STATES OF JERSEY PLANNING & ENVIRONMENT DEPARTMENT

Jersey Mapping





MEMORANDUM

TO:	Greffier of the States	FROM:	Bailiff
CC:	Deputy Bailiff	DATE:	11th June 2007
YOUR REF:		OUR REF:	

Rezoning of Land – Revisions to Island Plan

I refer to your e-mail of 31st May 2007 concerning the ruling which I gave in relation to a draft amendment of Deputy Gorst. You have asked me to set out in more detail the reasons for ruling the amendment out of order.

The Planning and Building (Jersey) Law 2002 makes it clear that the Island Plan is an important document to which the Minister is obliged to pay the closest attention in determining applications for development permission. He is not legally bound to determine an application in accordance with the provisions of the Plan, but there is a strong presumption that he will do so. The Plan is therefore a very significant public document. It is not to be changed without compliance with the procedures set out in the Law and the Planning and Building (Island Plan) Jersey Order 2007.

Importantly, the Law makes it clear that it is the duty of the Minister to prepare and to present to the States the Plan and revisions to it. The Law makes no provision for anyone else to prepare revisions to the Plan and it would, in my ruling, undermine the planning process if the Minister's plan, or any revision to it, could be subject to amendment by other members without undergoing the exacting procedures for publication, consultation, and transparency which are imposed upon the Minister and laid down by Law. This means, unusually, that a Minister's proposition to revise the Island Plan is not legally capable of amendment.

It is important therefore that members should understand that the time for seeking to persuade the Minister to make revisions to the Island Plan comes to an end when the Minister lodges his proposition. Thereafter the proposition can only be accepted or rejected.

It is of course open to any member to persuade the Minister to bring forward revisions to the Plan. It is also open to a member to lodge a proposition inviting the States to request the Minister to revise the Plan in any particular way. If such a proposition were adopted, the Minister would presumably then pursue the statutory process of publication and public consultation before bringing the appropriate revision to the Plan before the States. If the Minister failed to do so, there would be the usual political remedies available to other members.

I hope that this explains fully my decision in relation to Deputy Gorst's proposed amendment.

PMB



Jersey

PLANNING AND BUILDING (ISLAND PLAN) (JERSEY) ORDER 2007

*Made**30th May 2007**Coming into force**30th May 2007*

THE MINISTER FOR PLANNING AND ENVIRONMENT, in pursuance of Article 3 of the Planning and Building (Jersey) Law 2002^[1], orders as follows –

1 Minister to invite comment on draft Island plan

- (1) Before preparing the Island Plan or any amendment of it and presenting it to the States for approval the Minister must publish notice of his or her proposals.
- (2) The notice must be published in a way that is likely to bring it to the attention of the public.
- (3) The notice must –
 - (a) state that the Minister intends to prepare and present to the States an Island plan or an amendment to the existing Island plan, as the case may be;
 - (b) state where a copy of a the Minister's proposals may be viewed or obtained;
 - (c) invite written comments in respect of the Minister's proposals before a date specified in the notice; and
 - (d) state where and when a public meeting will be held where members of the public may make oral comments to the Minister in respect of the Minister's proposals.
- (4) The dates mentioned in paragraphs (3)(c) and (d) must not be sooner than 28 days after the first publication of the notice.

2 Minister to consider comments received

- (1) The Minister –
 - (a) shall consider all written comments received before the date mentioned in Article 1(3)(c); and
 - (b) may invite any person so commenting to provide further written information.
- (2) The Minister –
 - (a) shall hold a public meeting at the place and time stated in accordance with Article 1(3)(d); and
 - (b) may invite any person to attend the meeting and to provide details of the Minister's proposals to the meeting.
- (3) Before presenting his or her proposal to the States for approval the Minister must publish a notice specifying –
 - (a) what amendments (if any) he or she has made to the proposals as a result of any written and

oral comments received; and

(b) the reasons for doing or not doing so, as the case may be.

(4) The notice must be published in a way that is likely to bring it to the attention of the public.

3 Citation and commencement

(1) This Order may be cited as the Planning and Building (Island Plan) (Jersey) Order 2007.

(2) It shall come into force upon being made.

SENATOR F.E. COHEN

Minister for Planning and Environment

[1]

chapter 22.550