



Deputy John Le Fondre
Chairman - The Corporate Services Scrutiny Panel
The Scrutiny Office
States Greffe
Morier House
St. Helier
JE1 1DD



6th February 2015

Dear John,

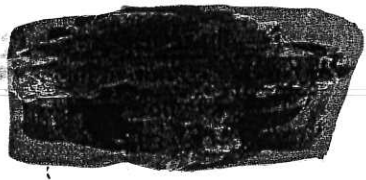
Compliance with laws passed by The States Assembly is not optional. The Law is the Law and in respect of the Island Plan the Planning Department is charged with implementing the Laws as passed by the States Assembly.

On the face of it planning permission in respect of the ad-hoc development of the Esplanade Quarter appears to be outside the parameters set by the Island Plan and is therefore illegal.

The Island Plan is specific inasmuch as no planning permission should have been given before a full timetable for full completion of the Masterplan, with payments to the States made in accordance with those legally binding in law. Planning permission is "subject to the successful conclusion of the development agreement for the Esplanade Quarter"

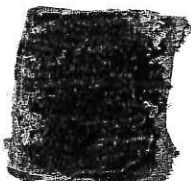
"The Masterplan for the Esplanade Quarter (12) proposes the sinking of Route de la Liberation to provide seamless links between the old town and the waterfront. The current surface level car park will be replaced underground. The sinking of the road allows for a large volume of development without the need for tall buildings. A grid of streets and boulevards will integrate with the old town and create a number of public squares and public open and enclosed spaces. It is envisaged that the development of this land will provide around 630,000 square feet of office space, around 350-400 apartments, a 30 bedroom hotel, 65 self-catering tourist apartments and a range of shops, restaurants and bars."

BEFORE any permission can be legitimately given the Ministers and Officers of the Planning Department have to be satisfied that the Masterplan shall be delivered in full, within a reasonable timeframe, and comply with all the financial requirements as set out.



I therefore request, as a former Chairman of the Public Accounts Committee, President of the Chairman's Committee, Member of the Council of Ministers, and Minister for Health and Social Services that the Corporate Services Scrutiny Panel take legal and professional advice to ascertain the legality of current permissions.

Yours sincerely,



Ben Shenton Chartered FCSI



APPENDIX 1

THE LAW IN RESPECT OF THE WATERFRONT DEVELOPMENT

Delivering the St Helier Waterfront: there has been considerable deliberation about the future of the St Helier Waterfront. Some development has already been realised and other work is ongoing, but the Plan period should represent the time frame in which much of the reclaimed land of the St Helier Waterfront, at Esplanade Square in particular, will be realised, leading to the development of a new maritime quarter for St Helier and reconnecting the town with its seafront.

132 - Revised 2011 Island Plan
Built Environment

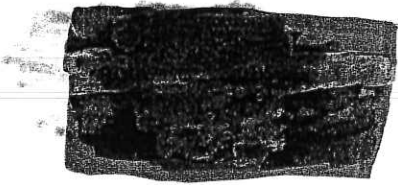
Delivering St Helier Waterfront

4.42 The development of the St Helier Waterfront is hugely significant for Jersey, both in providing capacity for greater economic activity in the Island which is critical to a healthy and sustainable future, but also in contributing to the development, growth and enhancement of the Town of St Helier. The Minister for Planning and Environment is acutely aware that many islanders feel disappointed with the early phases of development at the waterfront and whilst the physical outcome of development thus far may not contribute positively to the character of the Town, the new spaces and uses that have been created are well-used and have begun to reconnect the Town with its seafront. In addition, the old abattoir is being sensitively restored and converted to provide a transportation centre, serviced apartments, offices, and a range of speciality shops and restaurants all linked by a network of indoor and outdoor streets, bringing this important old building back to life.

4.43 There has, rightly, been much deliberation on the future of the St Helier Waterfront. A clear vision and objectives for the area have now been established, through a process of engagement with the community, and a planning framework for the future development of this significant piece of urban development and place-making established: this is represented by:

The Jersey Waterfront: supplementary planning guidance (April 2006) Chris Shepley; and Masterplan for the Esplanade Quarter, St Helier (April 2008) Hopkins Architects.

4.44 It is to these documents which, together, provide the planning policy framework for the development of the St Helier Waterfront, that the Minister will have regard as the principal material consideration in the determination of planning applications for the development of the St Helier Waterfront.



4.45 Subject to the successful conclusion of the development agreement for the Esplanade Quarter, the Island Plan period should provide the timeframe for the delivery of much of the new development and realisation of the St Helier Waterfront.

Esplanade Quarter

4.46 The Esplanade Quarter is the key location on Jersey's waterfront, because it straddles the area between the old town and the new area of waterfront. Until now, proposals have failed to provide the quality, ease of access and seamless connection between town and waterfront that people have been expecting.

4.47 *The Masterplan for the Esplanade Quarter (12) proposes the sinking of Route de la Liberation to provide seamless links between the old town and the waterfront. The current surface level car park will be replaced underground. The sinking of the road allows for a large volume of development without the need for tall buildings. A grid of streets and boulevards will integrate with the old town and create a number of public squares and public open and enclosed spaces. It is envisaged that the development of this land will provide around 630,000 square feet of office space, around 350-400 apartments, a 30 bedroom hotel, 65 self-catering tourist apartments and a range of shops, restaurants and bars.*