

**The Chairman  
States of Jersey Corporate Services Scrutiny Panel  
C/o States Greffe**

**3 March 2015**

**Submission to Corporate Services Scrutiny Panel – The Esplanade Development**

As a former Chief Officer of Planning from 1991 until 2004, I am very aware of the long standing tensions which have existed over the development of St Helier Waterfront. Whilst I was a States member and Chairman of the Environment Scrutiny panel from 2011 to 2014, I kept close watch on the development of SOJDC Esplanade proposals, presented my views to the Planning Minister at public hearings several times and asked many questions in the States..

**Background to the Waterfront**

The residents of St Helier who were cut off from the sea by the land reclamations of 1970's and 1980's have long wanted to ensure that the development of the reclaimed land provided for the public and community needs and was of the highest quality.

**Political Control of Waterfront Developments**

Since the land reclamations, there has been a continuing debate over political control of public sponsored development of this land.. Experience in the UK indicates that planning authority led schemes of waterfront development areas produced stability for developers and achieved best results for the community. Experiments with Enterprise Zones where planning was unregulated, are considered not have worked as well. In the UK, Waterfront Development Agencies injected significant public funds into public infrastructure, which in turn generated private sector investment. They achieved ratios of 4:1 to 10: 1 in private to public investment capital.

In Jersey control of WEB was given to the former Policy and Resources Committee in the mid 1990's. Unlike the UK , the States put no capital into WEB and required that all WEB's development of the land would generate sufficient capital returns for public infrastructure. The outcome has been short term, low quality developments. The leisure centre and cinema complex is an example.

Unfortunately the land deals done by WEB were over generous to developers, the leisure centre has a one hundred and fifty years land lease. There is no claw back to the public in event of change to a more lucrative use. WEB's land deal for the waterfront hotel put its competitors to a major disadvantage. The leisure pool fails to meet local needs and the consequent enforced demise of Fort Regent pool is a testament to the failure of government

In 2010 , the valuable public land was transferred to the ownership of SOJDC to allow them to raise capital for development. WEB was morphed into SOJDC and to provide

public accountability was put under the direction and oversight of the Regeneration Steering group led by the Chief Minister in 2010.

It is this political oversight group that SOJDC claim give them instructions for development. Throughout 2014 as a States Member 2014 I tried unsuccessfully to obtain access to the minutes of this group to establish how often it had met since formation, which Ministers were exercising control, what policies for St Helier had been discussed, directions to SOJDC , their decisions taken and achievements. I tabled four written questions in the States to the Chief Minister all seeking this information between April 2014 and September 2014. These questions were never answered, holding replies being received. There is no effective public accountability of SOJDC .

### **Planning Policies for the Waterfront**

The Planning debate over the Waterfront has continued since the land was reclaimed . It is essential that major planning decisions have the wholehearted support of the community. This requires proper transparent process to be followed and adherence to Island Plan policies once these are approved

The community vision for the Waterfront was developed and articulated in Waterfront 2000, when Planning held a very successful weekend workshop and public consultation event with award winning young Architects Howarth Thompkins. This important event produced some vital principles which all the Waterfront developments have been required to meet. These principles have stood the test of time. The Hopkins Masterplan of 14 November 2007 says “The vision developed in Waterfront 2000 remains largely valid and is incorporated in the Supplementary Planning Guidance “(April 2006). The following principles underlie the Hopkins masterplan for the Waterfront and have not been superseded.

- a lively, modern, maritime quarter which extends the best qualities of St Helier into the 21<sup>st</sup> Century;
- a new sea frontage which integrates with and complements the heart of the old town;
- a place for everyone, all year round, in all weathers;
- a diversity of uses to bring interest, variety and quality to the Waterfront;
- a mixture of landscaped open spaces with different character and scale for meeting, strolling, sitting and playing;
- priority access for all non-car users – a safe, relaxed environment;
- a variety of urban spaces made with durable, high quality, contemporary buildings and a mix of large and small developments;
- a space for a special building which celebrates 21<sup>st</sup> Century Jersey;
- a sustainable, manageable and robust development.

### **The Hopkins Masterplan 2007**

Planning control of the Waterfront developments is exercised through Planning Policies. This relies on a strong Planning Minister being prepared to assert authority to set the masterplan and achieve conformity of developments with the masterplan. Senator Cohen fulfilled this requirement very well when he proposed the present masterplan in 2007 after a public inquiry which had endorsed it. The Hopkins Architects masterplan for the Esplanade Quarter of 2007 requires a mix of uses as well as new office space.

These uses are absent on SOJDC proposals.

- a hotel
- self-catering holiday accommodation
- apartments for local residents
- four large public squares
- smaller public squares and boulevards
- shops
- restaurants and bars

The area was to be linked to the new Weighbridge Square and the redesigned Les Jardins gardens. As well as providing office buildings for the financial services industry the Hopkins Masterplan has the following aims .

These aims have been entirely overlooked in SOJDC's Esplanade development applications: My comments are in italics.

- seamlessly integrate the old town with the waterfront (*bury the road*)
- create a distinctive mixed use quarter in St Helier of the highest design quality (*mixed use?*)
- provide attractive apartments for local residents (*when?*)
- establish new opportunities for the tourism industry, with a new hotel and self catering accommodation (*where*)
- provide a significant financial return for the Island (?)
- create important new public spaces and civic squares for everyone to enjoy (?)
- ensure that the Esplanade Quarter is a place which attracts people and exudes life and vitality (?)

Members of the Panel would benefit from seeing the model of the masterplan area at Planning which was used at the Public Inquiry.

### **Masterplan amendment, March 2011 (MD-PE-2011-0029).**

The masterplan was amended by the Planning Minister in March 2011 with the following justification.

*“Work carried out by the former Waterfront Enterprise Board suggested that the emerging demand for commercial office floor space necessitated some amendments to be made in the eastern section of the Esplanade Quarter:*

- *elements of layout*
- *size*
- *scale and location of the open spaces and buildings “*

Despite this change, the Minister made a major commitment to maintaining the master plan

*“In considering the proposed changes the Minister for Planning and Environment has been determined that the core principles behind the master plan should not be compromised in any way. The Minister is satisfied that the changes are acceptable and that the principles which define the master plan will not be compromised. “*

This policy base was embodied in the Island Plan 2011 Policy BE2, and has since set the planning policy for determining waterfront planning applications.

### **Esplanade Development Applications**

I fear the current plans for large office blocks on the Esplanade, abandoning the mixed use requirement of the masterplan, will create a stark and unfriendly environment which will be devoid of people during the evenings and weekends. One only has to look at the southern end of Gloucester Street to see the tunnel effect and hostile urban environment created. Tall buildings with narrow streets between are oppressive and are out of place in Jersey

I am not convinced of the need for more offices because of the decline in employment numbers in the finance industry. The evidence is of flat lining profitability and uncertainty over the future. If we do need more offices, then private sector consents in town will be implemented. Planning policies should be developed to encourage our existing empty buildings to be redeveloped to provide the standard required

Deputy Duhamel when he was Minister came under pressure from other Ministers to approve the Esplanade office development on a piecemeal basis. Against public and expert representation, he gave approvals to SOJDC for two blocks of the Esplanade developments which I have submitted are not compliant with the approved masterplan. The SOJDC piecemeal office development will lead to more empty office buildings in St Helier, increasing the urban decline in the north of town. Whereas the alternative of procuring a development of this public land which includes modern iconic buildings providing much needed community facilities such as an arts and conference complex with associated leisure and evening economy facilities boosting tourism, will leave a long term legacy.

To justify his approval of the office developments, the Planning Minister sought written assurances from SOJDC, backed up by the previous Treasury Minister that these developments would in the long future generate sufficient return to fund the public infrastructure required to complete the masterplan and produce a surplus of £50 Million for St Helier. This assurance was given by SOJDC without evidence or any foundation.

Sadly the previous Planning Minister compromised in accepting the Chief and Treasury Minister views made major planning decisions on this insubstantial basis. The Planning Minister used his power to attach conditions to the consents to try to correct the fundamental departures from the masterplan plan. Sadly Planning conditions generally are difficult to enforce in practice, in this case, they will be impossible to enforce. This is demonstrated by the highhanded action of SOJDC in their destruction of the trees in the car park and carrying out of enabling work, arguably carried out in breach of conditions.

My submissions, set out in my emails to the previous Planning Minister and voiced at the public hearings were that the Planning Minister should use his legal power to require the major development applications for the Esplanade (which have significant effect on a large section of the community) to be submitted to a public enquiry to establish their compliance with the masterplan. My request was unheeded.

### **Conclusions**

Others will have made submissions objecting to the States exposure to significant financial risk from SOJDC acting as developer. I share their concerns considering if there is a role for SOJDC, it should be in procuring development from the private sector , not acting as developer itself. I consider the Panel should review the role of the SOJDC and the Chief Ministers Regeneration Steering Group which the States mandated to oversee SOJDC. There is no evidence of that this body has worked .SOJDC overhead cost is high and the Panel should review this organisational structure and ascertain whether it is fit for purpose and really adds value

My comments have concentrated on irregularities in the planning process in relation to the Esplanade Development. My concerns have never been answered and I am extremely concerned about the piecemeal development of the Waterfront which will result if SOJDC's plans for the Esplanade are not fundamentally revised. It is not too late to hold a public inquiry into the latest application for a third office block in the Esplanade, especially while the hiatus continues to await the pre- let agreements we have been told for many months would be in place. The new Planning Minister should be encouraged to order an inquiry to be held. Then, all concerned will be able to state their case properly and important decisions taken transparently and not behind closed ministerial doors.

Yours Sincerely

John H Young