

STATES OF JERSEY



GAS PLACE: PETITION (P.156/2014) – COMMENTS

**Presented to the States on 19th January 2015
by the Minister for Planning and Environment**

STATES GREFFE

COMMENTS

In considering the proposition to request the Minister for Planning and Environment not to approve any planning applications for development on the Gas Company site and adjacent areas, other than a possible extension to the Millennium Town Park with underground parking if appropriate, I would ask members to consider the following.

1. Context

The process for determining planning applications is prescribed by the Planning and Building (Jersey) Law 2002. An intention of the Law is to ensure that when land is developed, the development is in accordance with a development plan that provides for the orderly, comprehensive and sustainable development of land in a manner that best serves the interests of the community: this is the purpose of the Island Plan. The strategies and objectives of the Island Plan are translated into a framework of policies and proposals that provide the basis for land-use planning decisions.

The Law requires the Minister for Planning and Environment to prepare and present a draft Island Plan to the States for approval at least every 10 years. In preparing the draft Island Plan, the Minister must publicise his/her proposals, and consult and seek representations from the public.

After rigorous public consultation and independent review by planning inspectors, the States approved the Island Plan 2011 (37 votes to 1) in June 2011, after extensive debate (lasting almost 40 hours). Revisions to the Plan were approved by the States in July 2014, primarily to meet the need for affordable homes over the remainder of the Plan period, and arose largely because decisions made by the States Assembly in 2011 were not sufficiently robust or sustainable in meeting the Island's housing needs for affordable homes.

The States' approved Island Plan is centred on 3 simple, but linked, concepts of –

- countryside protection;
- the wise use of resources; and
- urban regeneration.

The way that the Island Plan embodies these 3 concepts and seeks to realise them is by focusing development activity, particularly residential development, in St. Helier and on the residential regeneration of key sites in the town. It also explicitly states that land in the built-up area should be developed at higher, more land-efficient densities, to help meet the Island's need for housing without having to release more greenfield land for development.

In June 2011 the States also approved the North of St. Helier Masterplan. This Masterplan takes a pragmatic look at the interventions that can be made in the north of the town area and sites that can be developed by the States and also by private developers.

The Jersey Gas site is identified in the Masterplan as being a key regeneration site, and its release for development could act as a significant catalyst to further continue the regeneration of this part of St. Helier. The Masterplan considers the site is suitable for a significant new residential development (approximately 300 homes).

Following adoption of the North of St. Helier Masterplan and further consultation, the Minister for Planning and Environment published, in September 2013, site-specific Supplementary Planning Guidance, in the form of a development brief, for the Jersey Gas site. The purpose of this brief is to establish the general planning principles for the development of the site, and to set out the guidelines to be adopted when preparing detailed proposals for its redevelopment.

In light of the above, therefore, it is clear that the States have already set the planning policy framework for this area, and the context against which investment decisions and planning decisions should be made: the approval of the 2011 Island Plan and the North of Town Masterplan envisage that this site will be developed to provide new homes that are needed to help satisfy the Island's housing requirements. The Minister has also issued further guidance to encourage and enable residential development here, within the context provided by the Island Plan and the North of Town Masterplan, and which support the principle of the site being developed to provide new residential accommodation.

The Law requires that, in general, planning permission shall be granted if a proposed development is in accordance with the Island Plan. Similarly, the Law also enables the Minister to publish guidelines for the development of a specified site and to take into account, when considering an application to develop that site, the extent to which the proposed development complies with any relevant guidelines he has published.

2. Gas Company Site Planning Application (PP/2014/1125)

In relation to the Gas Company site planning application, this was received by the Department of the Environment on 9th July 2014, advertised and progressed in the normal way. Following due process, the proposal was considered and representations were heard by the Minister at the public ministerial planning meeting held on 25th September 2014. Determination of the application was deferred, primarily to enable site visits to occur.

3. Proposition P.156/2014: GAS PLACE: PETITION – Pour ou Contre?

Proposition P.156/2014: GAS PLACE: PETITION was lodged *au Greffe* on 24th September 2014 and received by the Minister on 25th September 2014, the day of the ministerial meeting. It would appear that this proposition is asking the States to form an opinion and request the Minister not to approve any planning application on the Gas Company site, other than an extension to the Millennium Town Park. Unlike the proposal to develop this site for housing, represented by the current planning application, this Proposition has emerged without proper consultation and without giving full consideration to other representations from the wider public or from the applicant. Furthermore, the States are being asked to make this decision without a full understanding of the Gas Company site planning application; without reference to the States' approved Island Plan and the North of St. Helier Masterplan; and without consideration as to how the application might sit against other policies set out in the States' Island Plan.

If this proposition is endorsed by the States, it will be considered by the Minister for Planning and Environment as a representation (material consideration) by the States in the application process. However, in endorsing this Proposition, the States will be asking the Minister to determine an application in a manner which conflicts with the

States' agreed Island Plan and North of St. Helier Masterplan, for which he would require sufficient justification to do so.

If this proposition is rejected by the States, the representations made by the 'Friends of the Millennium Town Park', who it is believed launched the petition against the Gas Company site development, will still remain to be considered by the Minister in the application process.

Whether the proposition is supported or rejected by the States, the weight to be accorded to this material consideration in the determination of the application would be a matter for the Minister, and would need to be balanced with consideration of all other representations and the policies of the States' approved Island Plan; the North of Town Masterplan and the Minister's own supplementary planning guidance.

4. Financial considerations

If the proposition is supported and the application is subsequently refused, there will be a risk of incurring unspecified costs, and reputational damage of aborting and undermining significant work on the Island Plan, North of St. Helier Masterplan, Supplementary Planning Guidance for the Jersey Gas site and pre-application advice.

If the application is refused on such a point of principle as suggested by the Proposition, there is a significant risk of a successful appeal, and ultimately an award of costs against the Minister. The applicant's costs in making the application will run to several hundred thousand pounds and Court costs could be up to an additional £100,000.

5. Conclusion

The process for determining planning applications is prescribed by the Planning and Building (Jersey) Law 2002, and the Minister for Planning and Environment will determine the Gas Company site application having regard to the States' approved Island Plan, the North of St. Helier Masterplan and the Gas Company site development brief, and all other material considerations.

For the reasons set out above, I would ask members to reject this proposition.