

STATES OF JERSEY

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ISLAND PLAN 2002: CHANGES TO BUILT-UP AREA BOUNDARY (P.77/2005) – FOURTH AMENDMENT

**Lodged au Greffe on 7th June 2005
by the Environment and Public Services Committee**

STATES GREFFE

ISLAND PLAN 2002: CHANGES TO BUILT-UP AREA BOUNDARY (P.77/2005) – FOURTH
AMENDMENTS

After paragraph (a)(xx) add –

- “(b) to remove the designation of “Important Open Space” from the northern part of Field 263a Grouville, within the Built-up Area (as shown on Map 33, dated 31st May 2005);”

and re-letter the remaining paragraphs accordingly.

ENVIRONMENT AND PUBLIC SERVICES COMMITTEE

REPORT

Introduction

Field 263a, Grouville, is a small field of approximately 1.75 vergées, which until recently has been in agricultural use. It is bounded to the north and north-east by existing housing, to the south and south-east by Grouville Primary School, and to the west by Field 263, which the States has acquired to provide school playing fields.

Field 263a can only be accessed for agricultural purposes from Field 263. The direct vehicle access to the site is narrow and serves as an access to three of the dwellings to the north facing on to Rue des Pres.

Fields 263 and 263a had previously been proposed by the Island Development Committee as first-time buyer sites in 1982 and 1989, but were not approved by the States. In January 2002 they were zoned for use as school playing fields, and the States agreed to acquire them at a fair and proper price to be agreed by the Finance and Economics Committee, or if necessary by compulsory purchase.

In July 2002, in common with other actual and potential school playing fields, the sites were designated as important open space within the Built-up Area.

Background

The separate owners of the fields, given the site history of the 1980s, understandably had expectations of a value in excess of agricultural value, and in seeking to achieve voluntary sales with the owners, the Department of Property Services had regard to the possibility that there might eventually be compulsory purchase proceedings. In any arbitration to determine compensation, a tribunal would disregard the purpose for which the land had been appropriated compulsorily by the States, and would value it having regard to all its possibilities and liabilities in what is called the “no-scheme world”. The underlying principle is that the owners would be no worse off than they would have been had the States not taken their land.

The owner of Field 263a believed that his field, being enclosed on 3 sides, had a reasonable potential for housing development. At the time the land was zoned for playing fields, the draft 2002 Island Plan had still to be finalised. The owner sought the Committee’s view on whether, in the absence of the playing fields proposal, it would have included Field 263a in the Builtup Area. On 4th July 2002, the Committee of the day decided that it would have done. This gave the field a much better chance of gaining development permission for housing, and a provisional agreement was reached between the owner and Property Services at a consideration reflecting this potential.

In the event, on 12 November 2003, the Finance and Economics Committee did not agree the consideration for the land. It did not disagree with the sum, but rather considered that it was too high a price given budget constraints, as the playing field requirement could be achieved on Field 263.

As a result, the owner of Field 263a came back to Property Services with a proposition that he would sell the southern half of the field for a nominal sum if he were allowed to undertake a housing development on the northern part of the site. The Environment and Public Services Committee, at its meeting on 22nd January 2004, considered that – even though the land had been designated for school playing fields and as a result had been designated as Important Open Space in the Island Plan 2002 – because –

- it had no intrinsic value on its own as open space;
- because the previous Committee had indicated that it would have included the site in the Built-up Area; and
- because the site had effectively been blighted by the decision not to acquire it,

– the proposal that some development in the north of the field could take place, would be acceptable.

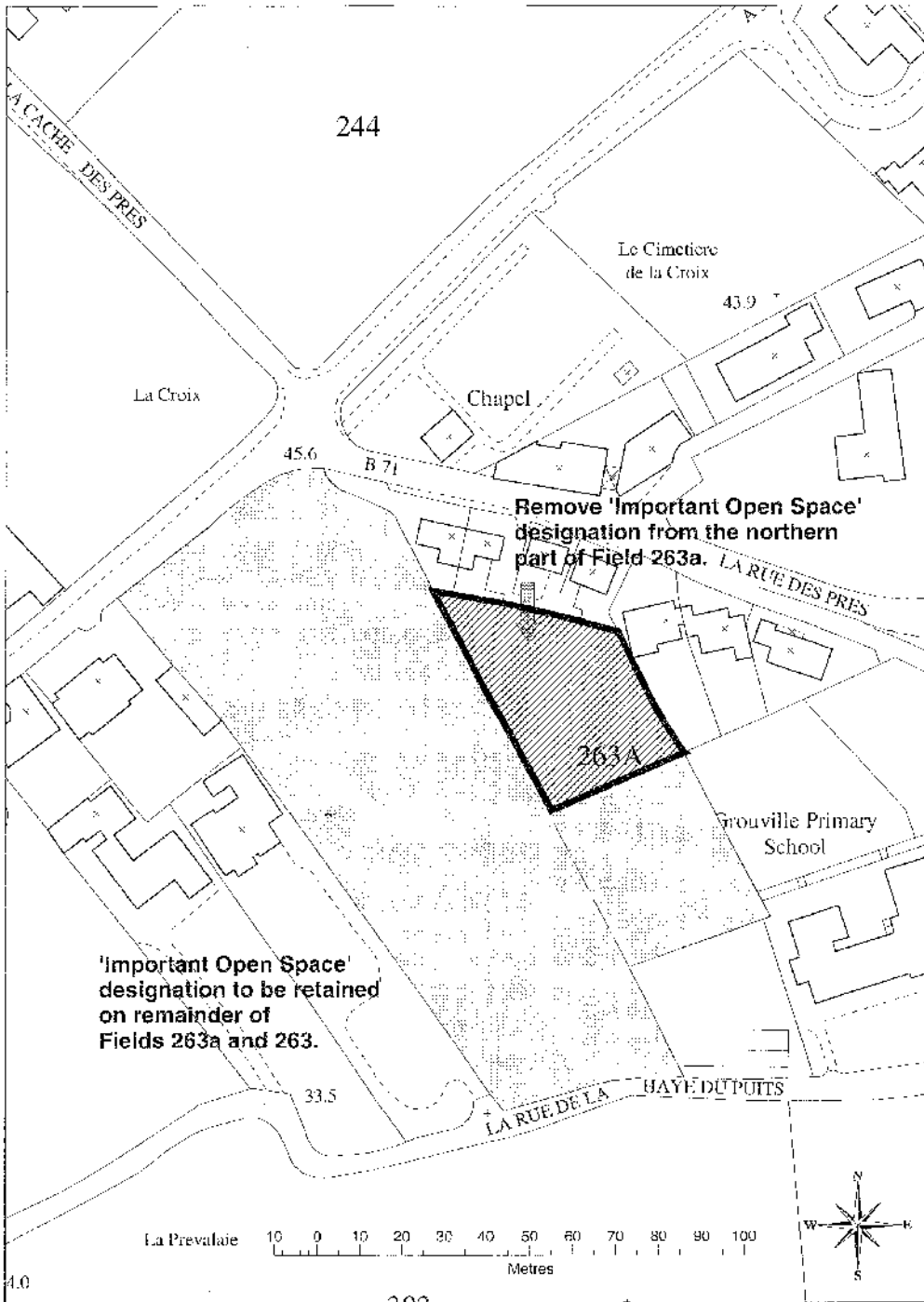
The owner first submitted, and then withdrew, an application for 3 houses on the site, but on 27th September 2004 submitted a new application for 2 houses. Several representations were made by near-neighbours and the Constable and Deputy of Grouville who, together with the applicant, met the Planning Sub-Committee at a site visit on 1st December 2004. The Sub-Committee referred the matter to the Committee at its meeting on 20th January 2005, when it decided, whilst not fundamentally opposed to the principle of development given the decisions of its predecessors, to refuse permission on detailed matters of visibility at the access to Rue des Pres and design issues.

These matters have now been resolved, and the Committee is prepared to grant permission.

Conclusions

In considering any application, the Committee is required to take into account all material factors, one of which is the Island Plan. However, also material to this case are the circumstances of the States first designating the land for school playing fields, and then not following through with its acquisition; the indication by the Committee in July 2002 that it would have included the site in the Built-up Area; and the further indication (by a different Committee) in January 2004 that it accepted some development of the site.

As a result, the present Committee, when deciding the application in January of this year, considered that the principle had been conceded. However, because the site had been zoned in the Island Plan as Important Open Space, the Committee requests the States to remove this designation.



'Important Open Space'
designation to be retained
on remainder of
Fields 263a and 263.

Remove 'Important Open Space'
designation from the northern
part of Field 263a.

Field 263a, Grouville

Location Plan

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|-------------|----------|
| Scale: | 1:1250 |
| Date: | 06:06:05 |
| Drawing No: | Map 33 |



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