

# STATES OF JERSEY



## ISLAND PLAN 2011: APPROVAL (P.48/2011): SECOND AMENDMENT

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Lodged au Greffe on 13th April 2011  
by the Connétable of Grouville

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STATES GREFFE

**PAGE 2 –**

After the words “the revised draft Island Plan 2011” insert the words “except that in the Proposals Map forming part of the Plan, the entire curtilage of Netherlee, Chemin des Maltières, Grouville, part of which is currently in the Green Zone, should be included within the Built Up Area”.

CONNÉTABLE OF GROUVILLE

## REPORT

This amendment reflects the wish of the Minister when he asked the Connétables to find small sites suitable for housing in their Parishes.

### **Reference 9. Site: Netherlee, Chemin des Maltières, Grouville**

The Minister's statements are in italics and underlined. Responses to the statements follow underneath.

#### **The Minister's Decision**

*The Minister has rejected the findings of the EiP Inspectors.*

The Minister employed the EiP Inspectors to review and judge the suitability of the whole of the Island Plan. This was promoted to Islanders by the Planning and Environment Department and the Minister as being truly democratic and fair to all. Islanders were encouraged to participate in the consultative process leading up to the finalisation of the Island Plan. Thus, the expectation of Islanders was that the recommendations of the EiP Inspectors (who had been employed at significant cost on the strength of their proven Planning expertise) would be followed by the Minister.

Throughout the Island Plan consultation phase, the Planning Department's Island Plan Review team consistently gave the impression that everyone who had proposed amendments to the Plan would ultimately have their submissions heard and fairly adjudicated by the EiP Inspectors. What was not made clear by the Island Plan Review team was that the Minister would be able to summarily reject the EiP Inspectors' recommendations.

At the EiP Open Hearing, the Planning Department were represented by their senior and most experienced civil servant, the Director of Planning. The EiP Inspectors reviewed all previous submissions by us and the Planning Department. They listened to submissions by Mr. S.W. Harris, the Connétable of Grouville and the Planning Director and asked questions of all parties. Thus, the EiP were in full possession of all of the facts and made their recommendations accordingly.

All the Minister's reasons for rejection were known at the EiP. They were examined and ultimately considered to be unjustifiable by the EiP Inspectors. Yet the Minister re-uses this unjustifiable evidence as the reasons for rejection.

#### **The Minister's Stated Reasons for Rejection**

##### *1. Reject Inspector's recommendation and maintain site in the Green Zone*

**The inspectors said 'that the objection is well founded; they are of the view that it is incongruous to include the back garden to Netherlee within the Green Zone'.**

The Inspectors could not have been clearer in their recommendation. What was the point in employing the Inspectors, at a substantial cost to the taxpayers, if their recommendation is not followed? The public were given the impression that the Inspectors' recommendations would carry appropriate weight as experts in their field of Planning. It seems the EiP recommendations have been cherry-picked. The public's expectation of a consultative process, which would lead to a fair implementation of the findings, has not been met.

2. The site does not meet with Minister's stated objective of protecting open spaces ...

**The Inspectors call it 'this very small site'.**

This is not an open space. It is a section of back garden that measures just 60 x 18 metres at its maximum. It is surrounded by tall hedges, bordered by a house within the garden and a soon-to-be-built housing estate with 20 houses, 5 of them directly alongside its longest border. The garden is domestic curtilage, clearly defined by its tall hedges; it is not a field or recently created from a field. The top of the garden is already included in the Built-up Area. The proposed zoning line arbitrarily divides the garden, creating '**this very small site**'.

The red line on the map gives a false impression of the size of the site and it draws the viewer into thinking that it is the whole of the Netherlee site that is in the Green Zone. In fact, one third of the domestic curtilage is already zoned as Built-up Area. The rezoning of the remainder of this very small site will mean that the whole of the domestic curtilage is sensibly in one zone.

The map shows Field 148 in its undeveloped state. The plans for the 20 houses and roads on the field have been passed. A more realistic representation of the area could have been seen if these plans had been superimposed on the map. This would have demonstrated that there is no *open space* to protect.

3. ... from further incremental development opportunities and the gradual erosion of the countryside, ...

**The Inspectors said 'in view of the extant permission to develop Field 184 (they mean Field 148) the inspectors consider the objection is well founded'.**

The possibility of potential development was explored by the Inspectors. They were satisfied that any future development would be physically constrained by the small size, narrowness of the site, access to it and adequately controlled by current planning regulations. They accepted that the development of Field 148 would already have irretrievably eroded the countryside in its locality and any future development on this small site would be inconsequential.

4. ... and does not present any overriding justification of community need (which was a material factor in the release of land for the development of homes for people over-55 on Field 184 <the Minister means Field 148>).

The Inspectors considered not only the needs of the wider community, but also the needs of the family living in the shadow of the Field 148 development (something the Island Plan Review Team has failed to consider). **The Inspectors said: 'In view of the extant permission to develop Field 184 <they mean Field 148> (immediately to the south-west of the site), the inspectors consider that the objection is well founded; they are of the view that it is incongruous to include the back garden to Netherlee within the Green Zone'.**

How is the *community need* addressed with the zoning of the whole of Parcq des Maltières Estate on the other side of Field 148? The southernmost houses of this estate are on plots of a similar size to Netherlee's back garden. If the garden areas of these houses are combined, the total area that has been rezoned is 3 – 4 times the size of the Netherlee site. All have been rezoned to Built-up Area. The same criteria should be used for both Parcq des Maltières Estate and Netherlee.

5. *Any development of this site is considered detrimental to the visual amenities and character of the area leading to the further urbanisation of the edge of Grouville Common.*

If any development was to take place on this small, narrow site, it would be subject to the tight physical constraints of the site and would be dwarfed and overshadowed by the Field 148 housing estate and the existing housing in the locality. There would be no further impact on the Skylines, Views and Vistas of the locality.

The Netherlee site is not near the *edge of Grouville Common* and considerably further away from Grouville Marsh than the rezoned gardens of Parcq des Maltières Estate. This is an incorrect and misleading statement.

6. *The draft Plan's Green Zone designation remains consistent with the 2002 Island Plan. Designating this as Built-up Area would, therefore, challenge and be contrary to established policy.*

The approval of the development by the States of a housing estate on Field 148 for over-55s has changed the locality. The locality is not the same as it was in 2002 and clearly the same zoning boundaries cannot sensibly be applied today. In reality the draft Plan's Green Zone designation does not remain consistent with the 2002 Island Plan. Les Maltières Housing Estate was Green Zone in the 2002 Island Plan; it is Built-up Area in this plan. This is *contrary to established policy*. Therefore it is possible to have exceptions to *established policy*. There is a precedent and the same rules that applied to the new designation of Built-up Area for Les Maltières Housing Estate should have been applied to Netherlee's small back garden. Instead, one third of Netherlee's domestic curtilage is in the Built-up Area and the rest in the Green Zone.

### **Financial and manpower statement**

There are no financial or manpower consequences for the States arising from this amendment.

