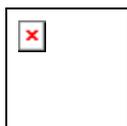


FIELD No. 588, ST. OUEN:VILLAGE GREEN AND DWELLINGS (P.116/99) - REPORT

**Presented to the States on 28th September 1999
by the Planning and Environment Committee**



STATES OF JERSEY

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REPORT

Background

On 6th November 1984, the States approved the St. Ouen's Village Plan which rezoned land in the parish for residential purposes and as long-term development plan for St. Ouen's Village.

In October 1997, the Planning and Environment Committee received an application to construct two dwellings on the eastern third of Field 588, La Route de Vinchelez, St. Ouen. The remainder of the field was shown to be turned into a parish village green. After visiting the site, the Committee refused permission on the grounds that the proposals would be contrary to the Island Plan due to the loss of agricultural land, and it would be contrary to the St. Ouen's Village plan that had been approved by the States on 6th November 1984, in which the whole of Field 588 was shown as amenity open space. The Committee considered that the field provided a pleasant rural space in the heart of the village, which makes a significant contribution to its character, which would be harmed by the construction of the two dwellings.

The Committee fully supports the creation of the village green, but does not consider it acceptable to trade this for a consent for two dwellings. The Committee is aware that the parish authorities have been negotiating with the owner over many years to achieve the village green, and the Committee has adopted a supporting role in this project. Even if the Committee had granted consent for the two dwellings, it had no legal power, via condition or agreement, to secure the remainder of the land as a village green.

Review Board

In its submissions to the Review Board, the Committee pointed out that in 1984 the States had approved the St. Ouen's Village Plan, which included a plan showing the whole of Field 588 as "amenity open space". The report accompanying the proposition stated "The Village Plan envisages that the adjoining Field 588 might in time be acquired and developed by the parish as a village green which would complement the aged persons housing scheme".

While the land is shown within the "Built Up Area" on the Island Plan, it does not follow that every area of land should be developed. If this were the case, the whole of Field 588 could be developed for housing purposes. The Island Plan, approved by the States in 1987, superseded Zoning Map 6, the previous Island Plan approved in 1974, but it did not replace the Village Plans for St. Ouen and St. John, which it had approved only a few years earlier. The Village Plans for both St. Ouen and St. John included open amenity space within the boundaries of the village, and the Committee places great value on the retention of such amenity space.

The Village Plans for St. Ouen and St. John are regarded as current and complementing the Island Plan rather than being superseded by it.

Paragraph 5.6 of the Board's findings states that "the Board therefore recommends that the Planning and Environment Committee should invite a fresh application from both the parish of St. Ouen and Mrs. Langlois to erect two dwellings in the north-eastern corner of Field 588 and a public open space on the remainder".

The Committee recognised that the Review Board was seeking to secure the open space for the parish by granting consent for two dwellings. The Committee has powers under the Planning Law to attach conditions. However the attachment of a condition to the effect that the remainder of the field should become amenity space would not, of itself, secure the remainder of the land as open space or require Mrs. Langlois to complete or even enter into negotiations with the parish. The Committee has no powers under the Planning Law to enter into any form of legally binding agreement with an applicant.

The only application the Committee has been asked to determine was one for two dwellings, which it found to be contrary to the States policy, and for which there was no justification given to override the presumption against development. After discussing the recommendations of the Review Board in depth, the Committee considered that the Board's conclusion was inappropriate for the following reasons -

- it ignored the decision of the States and Island Development Committee in relation to the St. Ouen's Village Plan;
- it placed too great an importance on records of consultations from the Committee's file (one of which it misunderstood) at the time when the Village Plan was being prepared (and has misinterpreted the context of that consultation);
- in its deliberations it did not confine itself to the application and the manner in which it was handled. It went

further, appearing to recommend a decision which the Board would have to come to were it the Planning Authority;

- its recommendation was incapable legally of being implemented.

Accordingly, the Committee had no option in the interests of good government but to maintain its original decision.^[1] The Committee remains firmly of the opinion, shared by its predecessor and agreed previously by the States, that the whole of Field 588 should be retained as an amenity open space. If it can become village green then that is a bonus. The Committee is strongly of the opinion that there is absolutely no justification in Senator Le Maistre's proposition to set aside the Village Plan approved by the States in 1984.

^[1] Contrary to Senator Le Maistre's comment in the States on 14th September, this decision was communicated to the Review Board on 7th June 1999.