

**WRITTEN QUESTION TO THE MINISTER FOR PLANNING AND ENVIRONMENT BY DEPUTY
R.G. LE HÉRISSIER OF ST. SAVIOUR**

ANSWER TO BE TABLED ON TUESDAY 15th JULY 2008

Question

Following the approval of the Rural Economy Strategy on 19th July 2005, when the then Environment and Public Services Committee was requested to consider the possibility of ‘enabling development’ and to bring forward for debate appropriate recommended changes to the Island Plan, would the Minister state whether such changes will be brought forward for debate by the Assembly and explain the basis for recent decisions?

Answer

The Rural Economy Strategy was approved by the States on 19 July 2005 and introduced the concept of enabling development in support of the Island’s agricultural industry, specifically aimed at aiding the recovery of the rural economy.

In adopting The Rural Economy Strategy in July 2005, the States agreed that the then “Environment and Public Services Committee should review current planning policies, with the aim of facilitating ‘enabling or linked’ development in the countryside, in order to ensure planning gains, environmental improvements and reinvestment in the rural economy, and bring forward for debate appropriate recommended changes to the countryside policies in the Island Plan.”

Enabling or linked development is the term given to development of a site for purposes outside the landowner’s principal business, with the capital so raised being used to fund the construction of facilities which will enhance business performance and/or have a positive environmental benefit. The underlying principles are that the financial gain should not exceed the cost of investment necessary, and that it should not be the automatic ‘first resort’ of rural businesses wishing to fund improvements.

Interim policy framework

When the policy was presented to me on the 4th February 2008, I raised concerns about the adoption of the strategy prior to the Island Plan Review. However the officer advice I received at that meeting still recommended the adoption of an interim policy on the basis that there were two long standing applications then pending involving the proposed strategy, the principle of which was established in 2005 by the adoption by the States of the Rural Economy Strategy.

Following this officer advice, I adopted Supplementary Planning Guidance (Planning Advice note 7 – Enabling Development) in February 2008 as an interim measure. This guidance note states that I will regard the States decision of 19 July 2005 as a material consideration in considering any linked enabling development applications. It provides an interim working framework to consider applications with the principle of linked or enabling development. The intention then was that the assembly would have the opportunity to consider a full policy in 2009 when the matter is brought back for debate as part of the Island Plan Review.

Island Plan Review

The ongoing Island Plan Review, scheduled for debate towards the end of 2009, will address the changes facing the Island’s agricultural industry and the issues concerning the management of the Island’s countryside, including Linked or Enabling Development. It will consider the necessary balance between economic stimulation and the conservation of the island’s rural environmental and cultural heritage and will provide formal comprehensive policy guidance in response to this situation.

Planning applications

With the Supplementary Planning Guidance interim policy for Enabling Development in place, the Planning Applications Panel and I were able to approach the two long outstanding linked and enabling applications within carefully prescribed parameters. These relate to Woodside Farms (in St Peter and Trinity) and Cowley Farm, St Saviour. At Cowley Farm, the enabling development which will deliver the funding is still being negotiated and no permit has yet been issued, nor will be until the specific enabling development has been agreed and a planning obligation agreement entered into. At Woodside (St Peter) the Planning Applications Panel has agreed a principle that up to a maximum of 10 dwellings can be erected on the site of the existing farmstead (which comprises a large shed, two bungalows, a reservoir and a number of 'Portakabins' used for staff accommodation). However, this application may be determinable within other existing planning policies. I have made it clear that should any enabling development consent be forthcoming the following principles should be applied:

- 1) The development value created should be the minimum required to deliver the investment in the farm unit and that this should be subject to independent audit.
- 2) The number of residential units created should be the minimum number to minimise the impact on the countryside,
- 3) In most cases development should be in the Jersey vernacular architectural genre.

Deputy Le Hérisier's comments

Members will be aware that Deputy Le Hérisier has questioned the validity of these decisions. I have therefore asked for advice from the Law Officers on this issue. As I promised Deputy Le Hérisier when he first raised this issue if the Law Officers advice supports his view and it is shown that the advice I was given was flawed I undertake to immediately suspend the interim policy, publicly consult on a policy and bring a Report and Proposition to the States as soon as possible.