

**WRITTEN QUESTION TO THE MINISTER FOR PLANNING AND ENVIRONMENT
BY DEPUTY J.H. YOUNG OF ST. BRELADE
ANSWER TO BE TABLED ON TUESDAY 4th DECEMBER 2012**

Question

As required by Article 22 (2) of the Planning and Building law (Jersey) 2002 for development which is inconsistent with the Island Plan, will the Minister provide the Assembly with a statement of his reasons for his decision to approve the application for the development of 28 Homes on the site of the former Holiday Village at Plémont, and in particular his conclusions and the evidence of compliance, whether in the Inspector's report or otherwise, in respect of each of the six mandatory conditions of Policy ERE3 of the Island Plan 2011 for enabling or linked development, sufficient to provide the "cogent, exceptional, justification" for the development to be approved as enabling development?

Answer

In answer to the Deputy's question, I can do no better than reproduce for Members the reason for my decision, which was recorded as part of my formal Ministerial Decision to approve this application. This stated,

"The Minister has resolved to approve the application, subject to the completion of a Planning Obligation Agreement and to the compliance of Conditions.

In reaching his decision, the Minister paid special regard to the Independent Inspector's Report and recommendations into the Public Inquiry which was held over the days of 25 / 26th September 2012 and to the representations and consultations received on the planning application and the subsequent Inquiry.

The Minister originally called for the Public Inquiry as he considered that the proposal to redevelop the former holiday village by way of 26 new dwellings and 2 replacement dwellings constituted a substantial departure from Policy SP1 (Spatial Strategy) of the 2011 Island Plan. Nonetheless, Article 19 (3) of the Planning and Building (Jersey) Law 2002 states that the Minister may grant planning permission that is inconsistent with the Island Plan but shall not do so unless he is satisfied that there is sufficient justification for doing so.

In this instance, the Minister is satisfied that there is sufficient justification for allowing a substantial departure from the Island Plan.

The crux of the issue has been whether the proposed re-development is justified as a means by which to secure a substantive, positive contribution to the repair and restoration of the landscape of the Plémont headland.

Policy ERE 3 of the Island Plan makes permissible, as an exception, 'enabling development' which is something that would normally not be permitted but, may be permitted if it would provide a mechanism or funding to secure positive environmental benefits for the Island.

Moreover, although Policy NE7 of the Island Plan presumes against the redevelopment of commercial buildings (for anything other than their original purpose) it does make an exception where the redevelopment would give rise to demonstrable environmental gains and where it would make a positive contribution to the repair and restoration of the landscape.

On this point, the Minister is satisfied that the proposal represents a clear and significant reduction in the building mass and floor space area compared to the existing complex and that, by splitting the development into 3 clusters, this will further serve to break up the perceived bulk of the existing structures. The new dwellings would certainly be visible on the skyline from various viewpoints but the Minister does not consider that this would result in a seriously detrimental impact upon the skyline, nor result in the loss of any strategic view or important vista.

The proposed new dwellings also share a high quality of design following a rural vernacular with significant openness punctuating the 3 clusters. Although not on the same footprint as the existing structures, the 3 clusters would be 'pulled' away from the North coast cliff path, offering a greater visual buffer between the coast and the development. The Minister is satisfied that this approach to the development of the site is an appropriate response to the sensitivities of the site and its surroundings.

The Minister has fully considered the thorough and balanced report of the Inspector and accompanying submissions, including a comprehensive Environmental Impact Assessment. He has reached the conclusion that, notwithstanding the policy presumptions against the erection of new residential development outside of the Island's principal settlements, this proposal will result in the significant and substantial repair and restoration of landscape character. It will enable the wholesale clearance of the existing Plémont Holiday Village structures which are, presently, a blight on the Island's sensitive North coast. Accordingly, the Minister contends that the proposals represent a justifiable exception to Policy SP1 of the Island Plan, but also that they fall in with the exception permitted under Policy NE7 and ERE3."

As will be seen from this comprehensive statement, the matter of this application turns not just upon policy ERE3 of the Island Plan, as referred to in the Deputy's question, but on a careful balance of the strategic aims and policies of the Island Plan. It would be wrong, in my view, to focus on the specific criteria of one policy, when in fact it is a careful blend of several matters upon which my judgment must be made.