

**WRITTEN QUESTION TO THE MINISTER FOR THE ENVIRONMENT  
BY DEPUTY I. GARDINER OF ST. HELIER  
ANSWER TO BE TABLED ON TUESDAY 17th NOVEMBER 2020**

**Question**

“Will the Minister advise what progress, if any, has been made and what action, if any, has been taken to address the follow issues in respect of the hospital catering unit located at St. Peter’s Technical Park –

- (a) the strong food odours from the hospital catering unit which can be smelt beyond the boundaries of the Technical Park and inside residents’ properties, depending on the wind direction;
- (b) the daily charging noise of the refrigerated vehicle that can last for up to 3 hours and can also be heard inside residents’ properties; and

will he further advise whether either one or both of the above has been assessed as constituting a breach of planning conditions?”

**Answer**

I can confirm that officers from Infrastructure, Housing and Environment’s Regulation teams (Environmental Health and Development Control) have sought to address matters in response to the issues raised in respect of the hospital catering unit located at St. Peter’s Technical Park.

Such work has involved both teams: meeting with representatives from the Unit, being shown around the site so as to be able to fully assess the operations that are being undertaken, and the monitoring of noise and smells allegedly coming from the Units.

In determining whether matters constitute a statutory nuisance, officers must take into consideration a range of factors such as frequency, duration, time of day, noise levels, strength / unpleasantness of odour, location, sensitivity of complainant and effect.

Since visiting the site, the team received confirmation on 13 August 2020 that carbon filters had been fitted and have since determined that the smells have been addressed to a point where they are not considered unacceptable. It is the view of the team that this addresses part a of the question.

In regard to part b, the charging of a vehicle does not require planning permission. In this instance, a refrigerated replacement vehicle was on loan whilst the vehicle normally used was being repaired. The replacement vehicle caused some noise whilst being re-charged outside the unit in an authorised parking space. This vehicle has since been removed and the original, quieter vehicle returned. This will continue to be monitored, but it is not regarded as a Statutory Nuisance at this time.

Therefore, at the current time it is the view of the Regulatory Officers in IHE that neither the levels of (a) odour or (b) noise witnessed would constitute a statutory nuisance under the Statutory Nuisances (Jersey) Law 1999.

On the matter of the above having been assessed as constituting a planning breach, officers from the Development Control team have confirmed the following.

*“Condition 4 of planning permission 4/11/828 V dated 19th June 1984 for the industrial units confirms that ‘The character of the industrial usage shall not cause detriment to the amenities of the area by virtue of noise, smell, fumes, smoke, soot, ash, dust or grit and effluent.’*

*In terms of assessing the impact of the noise and fumes, the Development Control Section is aware that some impact is experienced by whatever might occur on the site. However, the context of the site is relevant. The land enjoys planning permission for an industrial use and it would be unrealistic to expect that use to come with no impacts of noise or other disturbance. So, the impacts must survive a ‘test of reasonableness’, bearing in mind the context.*

*To the extent that the impacts have so far manifested on site, the team are content that the threshold set by the 1984 planning condition has not been breached. The impacts are not unreasonable, bearing in mind the context*

*Should the situation change, an Officer from Environmental Health or Development Control will revisit to reassess any of the issues identified.”*

I would add that this matter specifically has been considered by the Complaints Board and is the subject of a recent mediation. I recognise this conclusion will be considered to be unsatisfactory by adjacent residents and is but one of an increasing number of complaints of noise and other nuisances affecting people’s homes.

It is my intention to carry out what I view as a long overdue review of the Statutory Nuisances Law and bring forward an improved legal framework for dealing with such cases. However, there is currently no timetable set for this work which is resource dependent.