Planning and Building (Jersey) Law 2002 (as amended)

Planning and Building (Public Inquiries) (Jersey) Order 2008 (as amended 2015).

Application P/2015/1860: ‘Demolish glasshouse to Field No. 1438, 1441, 1446 and 1447. Construct 11 No. dwellings to Field No. 1438 with associated landscaping and vehicular access onto La Rue Grantez through Field No. 1441. Change of use of Field No. 1446 and 1447 from agriculture to natural green space.’

INSPECTOR’S NOTE TO THE PARTIES AND DRAFT INQUIRY TIMETABLE

Introduction

1. My name is Philip Staddon. I am the independent Planning Inspector appointed by the Minister to conduct the Inquiry and assess the application.

2. My assessment will be based on the evidence submitted through written representations, heard through the Inquiry process itself and gained through site inspections. Following the Inquiry, I will prepare a report and recommendations that I will submit to the Minister. This note and associated draft outline programme has been prepared to assist all parties involved in the Inquiry process.

Background to the Inquiry

3. The Minister for the Environment, Deputy Steve Luce, has called for this Public Inquiry because he considers that the application involves a substantial departure from the States’ approved Revised 2011 Island Plan. The Island Plan’s Spatial Strategy (Policy SP1) asserts that new development will be concentrated within the Island’s Built up Area, in particular the town of St. Helier, and not in the countryside ‘Green Zone’, where housing development would not normally be allowed.

4. The purpose of the Inquiry is to bring the application to public attention and to provide a transparent process for people to give their views and to provide a robust evidence based platform for the Minister’s decision making.

5. The remainder of this note sets out details concerning how the Inquiry will be conducted. It also includes a draft Inquiry programme / agenda, which is based on my initial identification of the main issues.

The Inquiry – dates, times and venue

6. The Inquiry is scheduled for up to two days. It will open at 10.00 a.m. on Tuesday 10 May 2016 and conclude on Wednesday 11 May 2016. There will be short mid-session breaks and lunch breaks, which will be agreed on...
the day. Finishing times will depend on progress made, but are expected to be around 5.00 pm. The Inquiry venue is **St Paul’s Centre, Dumaresq Street, St Helier JE2 3RL.**

**The Programme Officer – Helen Wilson and the Inquiry website**

7. The Inquiry is supported by Helen Wilson, who is the Programme Officer. Please contact Helen with any questions or concerns about the Inquiry. Helen can be contacted by telephone (on 01527 65741 or 07879 443035) or by email at progo officer@aol.com. For the submission of any hard copy documents, please post these to 32 Pennyford Close, Brockhill, Redditch Worcestershire B97 6TW

8. Helen's roles include updating the dedicated website for this Inquiry, which can be found at: [http://www.hwa.uk.com/projects/la-rue-de-grantez-st-ouen-public-inquiry/](http://www.hwa.uk.com/projects/la-rue-de-grantez-st-ouen-public-inquiry/) All relevant Inquiry documentation will be made available through this website.

**Participation in the Public Inquiry**

9. The main parties in this Inquiry will be the Applicant and its representatives, the Department’s officers and those interested parties that have submitted representations about the proposals (whether in support or opposition) either at the application stage and / or through the submission of a Statement of Case (SoC).

10. The following parties submitted SoCs by the 8 April 2016 deadline:

   - The Applicant - Jersey Choice Ltd and Mr M. Pirouet
   - The Department - Mr J Gladwin – the application case officer (with appended notes from the Jersey Architecture Commission)
   - Deputy Renouf
   - Mr and Mrs d’Orleans
   - Mr and Mrs Gaiger
   - Mrs Mallet
   - Mr and Mrs Pirozzolo
   - Mr Van Neste
   - Mr Bellows
   - Mr Hotton
   - Mr and Mrs Eastwood
   - Mr Stevens
   - Mr and Mrs Pinel
   - Mr Morin
I have asked the Programme Officer to make all of these Statements available to all other parties and to post all of the documents on the Inquiry website.

11. I am assuming that most of the above parties, along with some others who made initial representations in respect of the application, may wish to appear at the Inquiry. The Order\(^1\) also gives me a degree of flexibility and discretion in terms of allowing other parties and individuals to participate. I do intend to ensure that the Inquiry is accessible and open to all those who wish to contribute.

12. The Programme Officer has sent a questionnaire to all parties to seek confirmation on intended participation at the Inquiry. Once all attendances are confirmed, a detailed Inquiry programme will be produced and circulated.

**Submission of Proofs of Evidence (optional)**

13. Eligible parties may supplement their SoC with a ‘Proof of Evidence’. Such Proofs would typically comprise a more detailed and comprehensive statement, often supported by technical appendices.

14. The submission of Proofs is not compulsory or indeed necessary for all parties. If a party is content that their SoC or initial representation sets out their case fully, there is no need to resubmit the same content in the format of a ‘Proof’ – the SoC / earlier representation will suffice.

15. The Order\(^2\) requires me to set a timetable for the submission of any Proofs. This deadline will be **5.00 pm on Tuesday 26 April 2016**. I do not intend to impose word limits on Proofs but, if any Proofs exceed 1500 words, it must be accompanied by a summary (not exceeding 300 words). Please ensure that an electronic ( emailed) copy and two hard copies are delivered to the Programme Officer before the deadline.

16. The Programme Officer will load any submitted Proofs (and any associated appendices) to the website soon after the deadline.

**The identified main issues**

17. The Inquiry will focus on the most important issues that I need to explore to assess the application and inform my independent report to the Minister. I have identified the following ‘main issues’ from my desk based review of the application and the submissions made to date:

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\(^1\) Article 1 - Planning and Building (Public Inquiries) (Jersey) Order 2008 (as amended).

\(^2\) Article 12 - Planning and Building (Public Inquiries) (Jersey) Order 2008 (as amended).
• Whether the proposals are consistent with and, if not, the extent to which they depart from, the 2011 Island Plan’s Strategic Policy Framework (notably Policies SP 1 – SP 6).

• Whether the proposals are consistent with and, if not, the extent to which they depart from, the 2011 Island Plan’s Natural Environment policies, especially Policy NE 7 (Green Zone) and Policies NE 1, NE 2, NE 3 and NE 4.

• Whether the proposals are consistent with and, if not, the extent to which they depart from, the 2011 Island Plan’s Rural Economy policies, especially Policies ERE 1, ERE 2, ERE 3, ERE 6 and ERE 7.

• Specifically, whether the ‘ERE 3 case’ made by the applicant is sound, supported by robust evidence and complies with all of the criteria stated in that policy.

• Whether the development will result in unacceptable traffic impacts and implications.

• Whether the proposals are acceptable in terms of the Island Plan’s General Development Control Policy considerations, notably Policy GD 1, GD 7 and GD 8.

• Overall, when all Planning matters are considered ‘in the round’, whether the proposals are acceptable in Planning terms.

I do not propose that the above list is prescriptive or necessarily exhaustive and I may add to or amend the ‘main issues’ as further evidence is submitted.

Intended Outline of the Inquiry

18. I have attached a draft ‘outline’ programme, which I propose for this Inquiry. In the coming weeks, the Programme Officer and I will evolve this into a more detailed programme and identify witnesses and participants for the different sessions. We will do our very best to accommodate any individual time availability constraints. I am also very happy to receive any comments on the outline programme and will accommodate these wherever possible and appropriate.

Further information and guidance

19. Please contact the Programme Officer with any requests or queries regarding this Inquiry.

Attached: Draft outline of the Inquiry

Mr Philip Staddon BSc, Dip, MBA, MRTPI – Inspector 12 April 2016
DRAFT Outline of Inquiry - Application P/2015/1860

Session 1 – Introduction, opening statements and preliminary matters

The Inspector will open the Inquiry, welcome the parties and explain how the Inquiry will operate, including housekeeping matters and arrangements for the site inspection.

Opening statements (5 mins max) by the Applicant, the Department and any other parties wishing to make an opening statement.

Confirmation of the development description, substantive application plans and documents.

Session 2 – Planning history and the application proposals

- Planning history
- The application proposals (actual discussion)

Session 3 – Understanding the key Planning policies

In this session, the Inspector will explore the factual content of planning policy framework relevant to the application. He will seek contributions from the parties to assist his understanding. However, this session is aimed at fact finding and gaining a full understanding of the relevant policies. The actual debates about ‘weight’ and ‘consistency’ (with identified policies) will take place through the various ‘case’ sessions – see below. The session will examine the Island Plan’s:

- Spatial policy framework (the ‘SP’ policies)
- The natural environment policies (the NE policies)
- The rural economy policy (the ERE policies)
- The general development control policies (the GD Policies)
- Any other relevant policies

Session 4 – The Applicant’s case and case for any supporters wishing to speak

The Applicant will be invited to present its full case, calling any witnesses in turn. The Inspector will ask questions and may allow other to ask questions (through him). Note – the Inspector does not consider that formal cross examination is necessary or appropriate in this case.

Following the Applicant’s case, any parties wishing to support the application will be invited to present their case.

Public Inquiry – Planning Application P/2015/1860 – Inspector’s note and proposed Inquiry timetable
Session 5 – The States of Jersey Department of Environment Officers’ Case

The Department’s Officers will be invited to present their case, calling any witnesses in turn. The Inspector will ask questions and may allow others to ask questions (through him).

Session 6 – The Objectors’ cases

Those parties who object to the application will be invited to present their case. The Inspector will ask questions and may allow others to ask questions (through him).

Session 7 – Accompanied site visit

The Inspector will visit the site and surrounding area (including roads and junctions) with representatives of the principal parties and interested parties.

Note - the timing / ordering of this session can be flexible in the light of weather and other considerations.

Session 8 – ’Round up’ session.

The Inspector will use this session to cover or complete any identified matter not dealt with through the earlier sessions.

Session 9 - Planning conditions and any associated legal agreements

It is standard in any Planning Inquiry or hearing to consider possible planning conditions and legal agreements. It does not indicate any pre-disposition toward support for the proposal. Taking part in this session will not prejudice or dilute any party’s previously stated opposition.

Session 10 – Summing up and close

This session will allow the parties to sum up their respective cases:

- Summing up by Objectors
- Summing up by the Department
- Summing up by Supporters
- Summing up by the Applicant
- Inspector’s closing remarks and timetable for report writing / submission
- Close