

AB11 – PoE – MSPlanning Ltd – Retreat Farm

In Respect of the following two Planning Applications, the subject of a Planning Inquiry (19-24 February 2018)

P/2017/0805:

Demolish glasshouses to Field No. L78. Alter vehicular access onto La Rue de la Frontiere. Construct 1 No. four bedroom single storey house, detached three car garage and swimming pool to car park South of Field No. L78 with associated landscaping and parking. 3D MODEL AVAILABLE. AMENDED DESCRIPTION: Additional plans and documents received in support of submission and in response to representations received. AMENDED PLANS RECEIVED

P/2017/1023:

Demolish glasshouse and ancillary structures in Field 770. Construct 13 No. two bed and 14 No. three bed self-catering accommodation units and ancillary structures with associated hard and soft landscaping. Change of use of resulting agricultural field to car park, including hardstanding and associated works. Widen La Rue de la Frontiere and alter vehicular access. Construct bus shelter and form footpath to South-West of site. Construct terraced seating area to North of existing café. 3D model available. AMENDED DESCRIPTION: Additional plans and documents received in support of submission and in response to representations received. AMENDED PLANS RECEIVED. Environmental Impact Statement (EIS) submitted. FURTHER AMENDED DESCRIPTION: Additional plans received in response to previous Department for Infrastructure highway comments. FURTHER AMENDED PLANS RECEIVED

AT

**RETREAT FARM, LA RUE DES VARVOTS, ST LAWRENCE (P/2017/0805) AND
RETREAT FARM, LA RUE DE LA FRONTIERE, ST MARY (P/2017/1023)**

PROOF OF EVIDENCE – PLANNING A

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**ON BEHALF OF
JAJ PROPERTIES LTD**

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SUMMARY

This Public Inquiry seeks to address two planning applications submitted by the same applicant JAJ Properties Ltd. Ideally, they should have been submitted as a single application, but this did not occur.

Given also, after both applications had been submitted, the Planning Minister required the submission of an Environmental Impact Assessment, and advising that both applications will be referred to a Public Inquiry, the Applicant was obliged to provide additional and revised plans and additional and revised supporting documentation. It is regretted that this has caused a logistical problem with the Department and have made things more complicated than they might have been. Notwithstanding this it was useful to be able to do this as it enabled the Applicant to respond to some of the concerns raised by neighbours and by statutory consultees.

The applications are for:

- (a) (P/2017/0805) to demolish an existing glasshouse (eastern block) on Field L78 and remediate the land back to an open agricultural field and to erect a single storey dwelling to replace the existing commercial car park accessed via La Rue des Varvots, and;

- (b) (P/2017/1023) to demolish existing glasshouse (western block) on Field M770 and remediate the land back to agricultural usage, erect 14 No. 3 self-catering holiday units and 13 No. 2 bed self-catering holiday units and ancillary structures. Change of use of resulting agricultural field to car park, including hardstanding and associated works. Widen La Rue de la Frontiere and alter vehicular access. Construct bus shelter and form footpath to South-West of site.

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It is useful to understand why these glasshouses are redundant in the context of the glasshouse industry in Jersey and in context of the site in its own right, including an understanding of the planning history of the site.

The glasshouse industry in Jersey, insofar as export is concerned, effectively no longer exists. The only crop that is grown for export from some remaining glasshouses is the Jersey Royal potato, but this does not make these glasshouses economically viable. It simply provides the glasshouse owner with some income rather than none. It is therefore significant that Jersey Royal potatoes can only be grown in glasshouses that have earth floors.

Most of the glasshouses at Retreat Farm have either concrete or compacted gravel floors to service the former gift box business (flowers and bedding plants) which makes these glasshouses incapable of yielding a Jersey Royal potato crop.

Essentially, there is now only one commercial glasshouse grower in the Island growing fruit and vegetables operating from 5 glasshouse sites and which supplies the local market. This market is simply too small for other growers to enter. Finally, Jersey Choice, having vacated Retreat Farm in 2014, operates their bedding plant business from only 2 glasshouse sites and advise that any further production would occur in the UK, not Jersey, owing to the cost of production and transport costs. The agricultural statistics that are referred to in my Proof of Evidence bear out these facts.

Consequently, as is the case for Retreat Farm, most of the glasshouses in the Island are redundant for commercial use, with many in a state of dereliction. Removal is not an option owing to the cost of demolition and remediation of the land, and the fact that there is no financial assistance from the States to remove glass and remediate the land. This, notwithstanding Policy CO29 of the 1987 Island Plan which stated the States would seek to set up a scheme to assist landowners in this restoration. This has never materialized.

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It is therefore pertinent to note that other redundant and derelict glasshouses in Jersey have been permitted to be redeveloped and which have mostly been redeveloped for non-employment uses, namely residential development. Two examples were granted consent under the current Island Plan (Field 178, St John and Les Nouettes Nurseries, St Clement) and another example (Les Sapins, St Saviour) was permitted under the 2011 Island Plan, having a similar policy regime. They were permitted owing to the demonstrable environmental improvements that accompanied the proposals. The environmental credentials of the Retreat Farm applications surpass these.

The Glasshouses at Retreat Farm are clearly structures insofar as the Planning Law is concerned. They are substantial structures bedded to foundations and extensive areas of concrete flooring. They cannot therefore reasonably be regarded as temporary structures. The combined cost of demolition for both glasshouses and remediation of the land, close to £1m, also suggests they should not be regarded as temporary structures. The application of a disuse and disrepair condition would therefore be unreasonable in this instance.

Notwithstanding this, neither the existing eastern block nor the western block are hindered by a disuse or disrepair condition. Only the former 2 glasshouses that pre-existed the eastern block were affected by a disuse and disrepair condition. This condition however lapsed with the construction of the eastern block.

As will be explained in [REDACTED] Proof of Evidence and Summary, the Island Plan makes provision for the redevelopment of redundant and/or derelict glass. In this case, most of the land will be retained in employment use and will be remediated so that it is capable of being reinstated as agricultural land. This will be secured through a Planning Obligation Agreement.

This is because the proposed development including the self-catering accommodation units (and ancillary units) will have a very light touch on the surface

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of the ground, effectively suspended above the ground on a chassis with wheels and stabilizers and formed on non-intrusive piles for foundation and which are easily

removable. These structures are therefore more easily de-mountable than the existing glasshouses and which, with the Planning Obligation Agreement gives

greater surety that these buildings will be removed and the land reinstated to agricultural use than is currently the case. This overcomes the principal concern of the neighbours that approval of these applications would result in more permanent development in the future.

Moreover, as required by the Island Plan, the proposal will give rise to numerous demonstrable environmental improvements by the removal of the glasshouses and contaminated material, a significant reduction in the area of buildings and repair to the landscape.

The demonstrable environmental improvements specifically include the following:

- Significant reduction in built floorspace and built volume (93%)
- Significant reduction in intensity of use
- Significant increase in permeable surfaces
- Significant increase in open land, including a new agricultural field
- Significant reduction in traffic on La Rue des Varvot, a narrow rural lane
- Remediation of localized soil contamination
- Reinforced field boundaries and extensive landscaping
- Reduction in disturbance to neighbours
- Connection of the site onto the foul sewer
- Various ecological enhancements

To conclude, the proposal to remove all the glass (with no disuse or disrepair conditions) and to remediate all the land to an agricultural quality together with all the other environmental improvements described above makes a compelling case why planning permission is justified as explained in [REDACTED] Proof of Evidence on Policy Compliance.

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1.0 AUTHOR

- 1.1 My name is Michael Stein. I am the Principal Director of MSPlanning Ltd, a planning and architectural services consultancy. I have a BA(Hons) Degree in Town & Country Planning and I have been a member of the Royal Town Planning Institute since 1990.
- 1.2 I have experience in both the public and private sector and have worked in the UK and Australian planning systems prior to working in Jersey from 1992, either in local government or in the private sector throughout that time.
- 1.3 Most of my experience is in Development Control, but I have also been involved in Policy & Projects, including the preparation of the Island Plan 2002 and the Jersey Countryside Character Appraisal (1999). As Principal Planner with the States of Jersey, I was responsible for all applications for the east of the Island, including St Helier. Since being in private practice I have considerable experience in representing clients on all planning matters, including submission of planning applications for residential, commercial and mixed use applications.
- 1.4 As the [REDACTED] of a Dutch grower who moved to Jersey in 1966 to run one of the largest commercial glasshouse nurseries in Jersey for Trident Ltd and then set up by himself in the early 1970's and running a number of glasshouse sites until the early 2000's, I have a good knowledge of the recent history of the industry. I have also spoken with other growers ([REDACTED] [REDACTED]) as there are no known publications on the glasshouse industry in Jersey to provide a reference.
- 1.5 The evidence which I have prepared and provide for this appeal is true and the opinions expressed are my own professional opinions. This evidence has been prepared and is given in accordance with the guidance of my professional institution (Royal Town Planning Institute) and I abide by the Institute's standards.

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2.0 SCOPE OF PROOF OF EVIDENCE

- 2.1 This proof of evidence relates to the decision made by the Minister for Planning and Environment to consider the Applications for planning permission for the proposed self-catering touristic accommodation, new dedicated car park for Tamba Park, and new dwelling at Retreat Farm, through a public inquiry process.
- 2.2 There are two applications: one for self-catering accommodation and a new car park for Tamba Park (from La Rue de la Frontiere) to replace the existing western block of glass on Field M770 (Planning Application (P/2017/1023)); (See Plans in Appendix 01) and one for a new dwelling on the existing Tamba Park car park (from La Rue des Varvots) and to replace the existing eastern block of glass on Field L78 with a restored agricultural field (Planning Application (P/2017/0805) (See Plans in Appendix 02). Their common underlying feature is that the resulting development involves land remediation to remove existing glasshouses and improve the quality of the land and ground that the proposed development will be situated on. The land concerned is also in the control of one person, [REDACTED] and [REDACTED] owns or controls land between the application sites which is known as “Tamba Park” and is a largely outdoor leisure facility. Due to these common features, for the purposes of the public inquiry, the applications have been considered together, and this Proof presents a combined presentation.
- 2.3 For the purposes of this Proof the sites the subject of the two planning applications will be referred to as the ‘Application Sites’. Where necessary the site the subject of Planning Application P/2017/0805 will be referred to individually as the application for the ‘Eastern Site’.(ES) or by its Planning Application reference: P/2017/0805. Where necessary the site the subject of Planning Application P/2017/1023 will be referred to individually as the application for the ‘Western Site’ (WS) or by its Planning Applicationreference: P/2017/1023. Location plans showing the extent of each Planning Application are included as Appendix 03.

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- 2.4 For the avoidance of doubt Planning Application P/2017/0519, also submitted and pending a decision, is for a staff accommodation unit proposed on Tamba Park's Operational Yard. Intended to serve Tamba Park, it is not part of the Public Inquiry process.
- 2.5 The Application Sites straddle two parishes. The western part of the site (off La Rue de la Frontiere) is located in the St Mary parish. The eastern part of the site (off La Rue des Varvots, is located in the St Lawrence parish. However, this factor has no material impact on the consideration of the applications.
- 2.6 The two Application Sites sit within a larger land ownership which is controlled by the Applicant and comprises "Tamba Park" (4.5 acres). Tamba Park is a an inverted L-shaped area that sits between the Application Sites, and around the northern side of the western Site. Conversely, the Application Sites are linked physically by a utilities bridge that extends above and over the central African Sculpture Walk part of Tamba Park. A plan explaining the relationship is included as Appendix 04. Tamba Park is a tourist attraction created in 2015, which replaces a former tourism facility on the site. It comprises an outdoor area to the north of the Application Sites, and has an indoor area (Play-Barn) that is sandwiched between the two Application Sites. Within its land area, Tamba Park offers a range of outdoor attractions including a Dinosaur Trail, Children's Adventure Playground, African Sculpture Walk, Boating Lake with 4 Micro Boats, Remote Control Tornado Boats, and there is also a building that contains a Cafe, Gift Shop, Restaurant, Rainforest themed indoor Playzone, Toddler Soft Play, Mini Arcade and Crazy Golf. Because of its pricing policy Tamba Park is an attractive visitor experience, drawing tourists and locals alike, and attracting 200,000 visitors per annum (2016). The Applicant also controls the ownership of agricultural Field M772 (2.6 acres) to the south of Field M770.

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2.7 This Proof of Evidence will:

- 1) explain the proposals
- 2) outline the planning history of the application sites; and
- 3) outline the history of the glasshouse industry in Jersey;
- 4) provide a summary of relevant planning policy (refer to KEPlanning's Compliance with Planning Policy Proof of Evidence);
- 5) outline the planning process that has been followed, including consultations and representations;
- 6) outline the environmental improvements;
- 7) outline the need for a Planning Obligation Agreement to enable the environmental benefits to be delivered.

Links with Other Proofs

2.8 Details of assessments undertaken and reported by other expert witnesses are covered in their respective PoE's

2.9 A Summary is included with this document.

3.0 GLASSHOUSE INDUSTRY IN JERSEY

- 3.1 The Proposals concern the redevelopment of land in employment use, that will remain (largely) in employment use, and that concern two now redundant and very large glasshouses. As the [REDACTED] of a Dutch grower who moved to Jersey in 1966 to run one of the largest commercial glasshouse nurseries in Jersey for Trident Ltd and then set up by himself in the early 1970's and running a number of glasshouse sites until the early 2000's, I have good knowledge of the industry in Jersey and its operation. I have also spoken with other growers [REDACTED].
- 3.2 The origins of the glasshouse industry probably date back to the latter part of the 19th Century and started when the boat building industry in the Island collapsed and the carpentry skills of the boat builders were used to build glasshouses. It is believed that the first glasshouses were used to grow grapes, hence many nurseries in Jersey were known as Vineries.
- 3.3 Between the wars and after the Second World War the principal crop grown under glass was tomatoes. This proved very successful with tomatoes grown under (heated) glass sold to the UK market. In the 1950's and 1960's large glasshouses (for Jersey standards) were developed, including at Bashford's Georgetown, Trident in Trinity, Huelins at Maufant and La Chasse, St Saviour. Up until the beginning of the 1980's most, but not all, glass was constructed in timber and so such structures could fall into disrepair if not maintained.
- 3.4 Tomatoes were the main crop until the 1970's when the oil crisis led to growers converting to coal-fired boilers to continue growing tomatoes and other crops, most notably flowers and other lower fuel-reliant crops.
- 3.5 Throughout the 1970's and 1980's, and ever since, Jersey faced increased competition from the Dutch whose gas (by which glasshouses were heated)

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was heavily subsidized, and other EU countries including Spain who benefitted from warm climates, EU subsidies, economies of scale, cheap labour and much reduced transport costs compared to Jersey. In the 1980's new glasshouses were mainly constructed in aluminium.

- 3.6 In the 1990's and 2000's the only way for glasshouse operators to survive was to find niche markets such as cherry tomatoes and/or selling flowers and bedding plants as gift boxes to the UK, taking advantage of the "Lower Value Consignment Relief" on exported goods whose retail price was below a certain level ("LVCR") and which so reduced the wholesale price of these products for export to UK customers.
- 3.7 In the 1990s and 2000s new glass was constructed to a much higher specification. Eaves heights were higher to allow access by larger, modern machinery. They used combined heat and power systems and had systems to re-use the carbon dioxide produced to improve productivity. This included the new eastern glasshouse block at Retreat Farm and glasshouses at Les Chasse Mourin, St Saviour.
- 3.8 However, still faced with the competition from the Dutch, and increasingly the English and other EU countries, who used improved technology in glasshouse manufacture and built glass on a much larger scale (up to 70 acres) and using much cheaper fuel and fully automated and computerized systems, with glasshouses (in Holland) re-built every 10 years, the Jersey industry for export could no longer compete and glass increasingly became redundant and derelict.
- 3.9 In 2001, the glasshouse growers came together and suggested an Exit Strategy to the States, effectively asking it to select the most appropriate glasshouses to develop for essential housing, with all glasshouse growers sharing the proceeds. However, the States did not agree to this proposal.

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- 3.10 Then in 2005, local subsidies for the glasshouse industry were removed making it even less viable for growers. Consequently, the only marketing organization (JPMO) for the industry also closed in 2006, putting the onus on individual growers to find new markets. The agricultural statistics 2009 and 2016 in Appendix 05 demonstrate this steady decline. Between 2005 and 2016 the amount of glass reduced from 392,898sqm to 211,857sqm. Tomato production reduced from 136,563sqm to 21,852sqm in the same period. Ornamentals reduced from 153,922sqm to 42,850sqm in the same period. Finally, total glasshouse production reduced from 431,768sqm in 2005 to 197,256sqm in 2016.
- 3.11 By 2010, the only parts of the industry that were still viable were the flower and bedding plant (gift box) producers (still benefitting from LVCR), but ironically with most of the flowers imported from the likes of Columbia and Kenya, who were able to benefit from much cheaper labour. Retreat Farm operated on this basis firstly as Flying Flowers (1989 to 2012) and then Jersey Choice from 2012 to 2014.
- 3.12 In 2013, the UK secured from the States the removal LVCR (for reasons concerning CD imports and unconnected to plant imports being exported from Jersey), which in consequence caused the final decline of this part of the glasshouse industry. Today, only Jersey Choice remain operating only from Meadow Springs in St Saviour and Grantez Farm, St Ouen. It closed down its Retreat Farm operations in 2014. The last glass built in Jersey, constructed in 2011 for Blooming Direct, at JR Horticulture in St Martin, stopped operating in 2014. It is now only used to grow a winter Jersey Royal crop.
- 3.13 Today, the glasshouses that remain in use are mostly seriously under-used, generally producing only a winter Jersey Royal crop potatoes. In 2016, 72,223sqm of glass were used for potatoes compared to 21,852sqm for the next most popular vegetable crop, tomatoes. There is however one glasshouse grower, La Chasse Nurseries, that has cornered the local market, producing a variety of crops for the likes of Waitrose and the Co-op. However,

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this market is too small for other growers to enter.

- 3.14 It is for this reason that, except for those very limited glasshouse operators, glasshouses have become mostly redundant in Jersey today and so, become derelict, and there is no reason why owners, who would have struggled financially during the latter years of the industry, would be incentivized today remove the glass on the Application Sites. The cost of restoration is generally beyond the means of individual growers and, generally, glasshouses usually become derelict and remain in this state. In addition, glasshouse technology (for example, heating and glass types) has advanced and so most of the glasshouses currently standing in Jersey are no longer fit for their purpose as glasshouses in today's market place. In particular, this so at the Application Sites and the Estimating Services(AJ) Ltd Reports shows these costs. Also, to my knowledge, no States financial assistance has ever been used to remove glasshouses notwithstanding that paragraph CO 29 of the previous Island Plan envisaged a scheme to assist landowners established by the Committee of Agricultural and Fisheries, the Public Works Committee, and the Island Development Committee.
- 3.15 Retreat Farm is also unique amongst glasshouses in Jersey in that most of its flooring is concrete (for the packing and box making operations) and which precludes it from growing the only crop that is presently worthwhile, the Jersey Royal, for the reasons given in [REDACTED] (former managing director of Jersey Royal Ltd) letter in Appendix 06.
- 3.16 Reference to the Estimating Services(AJ) Ltd Reports for the Eastern Block (January 2018) and for the Western Block (January 2018) calculate the costs of demolition and restoration of land to be £309,127 and £661,887 respectively. With very little value arising from the restored land there is no incentive for the owner to carry this out. Appendices 07 and 08

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DEVELOPMENT OF GLASSHOUSE SITES IN JERSEY

3.17 Since the 1970's, when the industry first started to face decline, instead, many glasshouse sites have been developed to help offset the housing shortage. Particularly those that were located on the edges of the Built-Up Area or close to Village settlements. Latterly, sites at Samares Nurseries, St Clement and De La Mare Nurseries, Grouville, have been re-zoned as part of the Revised 2011 Island Plan to meet the need for essential housing. – Plans included as Appendix 09

3.18 Under the policies of the current Island Plan, a number of other glasshouse sites have received planning permission for redevelopment for housing development on a small or modest scale:

- Les Sapins, St Saviour,
- Field 178, St John,
- Les Nouettes, St Clement).

In each case, planning permission has been given for the development of one house (or two houses in the case of Les Nouettes) and the restoration of most of the remaining site back to agriculture. The replacement footprint ranged between 4% and 15%. The Proposals for Application P/2017/0805 are consistent with and within that percentage range. The permits and location maps of each are provided in Appendix 10. It is clear from each of these permits that a range of environmental improvements including clearance of the glass and reduced volume of building; remediation and restoration of agricultural land, reduction in intensity of use and additional landscaping etc,

DISUSE AND DISREPAIR CONDITIONS

3.19 The planning permissions that have been granted for glasshouse development allow the replacement of glasshouses that have no disuse or disrepair condition. Disuse and disrepair conditions generally started to be used in the early 1980's and more so after the adoption of the 1987 Island Plan, and its policies CO27, CO28 and CO29. Hence, the fact there is

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no condition on the western block at Retreat Farm which was approved in the 1970's whereas there is one concerning the two single (likely timber) glasshouses proposed at the time for demolition and as approved in 1995.

- 3.20 It is for these reasons that CBRE could not, and cannot, find any interest from any growers to operate a new horticultural operation, or expand an existing horticultural operation at Retreat Farm, and especially given the extent of concrete flooring which precluded Jersey Royals from being produced (see [REDACTED] letter in Appendix 06), and which proved to be the case.

GLASSHOUSES AS STRUCTURES

- 3.21 The Planning Law does not classify buildings as temporary or permanent but as buildings, and buildings includes structures. Although generally glasshouses may be regarded as temporary structures and that can be the case for timber glasshouses, the particular nature of the structures at Retreat Farm and their use precludes them from being temporary. They have been in place for periods of between 23 (eastern block) and 43 years (western block). They are substantial aluminium and steel structures which have stood the test of time over decades and whose superstructure is bedded to foundations and concrete floors. They also include integral heating utilities and concrete trenches are quite sophisticated industrial buildings. They are not akin to most other glasshouses in the Island, erected simply for horticultural purposes. The glass at Retreat Farm has been adapted and renewed to provide extensive areas for packing and for a box making facility and with costly infrastructure suitable only for the growing of bedding plants. It can therefore not be considered a temporary building and which therefore makes the application of a disuse and disrepair condition unreasonable.

4.0 PLANNING HISTORY OF APPLICATION SITE

- 4.1 The proposed removal of the two glasshouses derives from their particular planning history of these adjacent sites that were previously in one farm. The western glasshouse is not subject to any planning condition requiring its removal and land remediation nor of the surrounding concreted land. The eastern glasshouse results from a planning permission which does contain a condition requiring demolition and remediation but that seems to be limited to two previous glasshouses that stood on that part. It is my view that it would be consistent with the absence of a condition on the current western glasshouse for the current eastern glasshouse to also not be subject to such a condition; and inconsistent with the current situation of the western glasshouse if a condition extended to it. Instead, it is my view that the planning permission permitting the erection of the eastern glasshouse in place of the previous two glasshouses was subject to a remediation condition that concerned the previous two glasshouses, and, quite understandably, sought to ensure that those two previous glasshouses were not allowed to go to wrack and ruin if the new glasshouse was not erected. I address below the details of these permissions.
- 4.2 In relation to the western glasshouse (that is within Application reference P/2017/1023), on 22nd May, 1975 planning permission was granted under reference 3199/I for a “glasshouse unit; two storey dwelling with integral garage; staff accommodation” in relation to Field 770 and which was for the southern half of the western block. There were no conditions on this planning permission. The permit and approved plans are included in Appendix 11.
- 4.3 That glasshouse was erected and, on 18th August 1978 planning permission was granted under reference 3199/K for “construction of 98,784 sq. ft. of additional commercial glasshouses together with access track, plant and boiler house and oil storage tank”. This completed the northern half of the

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western block. The permit included conditions requiring the removal of stored soil; the planting of a hedgerow along the northern boundary and the possibility of needing to take remedial action against the boiler house. The permit and approved plan is included in Appendix 12. A consequence of this permission was to also change the setting of the Retreat Farm farmhouse from an open agricultural field to an area containing a large volume of glass and metal building and that was significantly lit up at night.

- 4.4 These permissions were approved under the then Island Development Plan Policy (1962) (known as the Barrett Plan). This Plan identified two areas of landscape quality. They were areas of special landscape and scenic quality and areas with secondary landscape quality. Retreat Farm was not located in either of these areas. Nor was it between the “view” line and the coast. There were therefore, no particular restrictions for development on this land. Other than that the only other restriction related to agricultural land, namely that only farm use or buildings could occur on agricultural land. It would have been on this basis that permissions 3199/I and 3199/K would have been approved. There were no policies in respect of glasshouses.
- 4.5 On 4th September 1991 planning permission was granted under reference 3199/DA for change of use to reservoir and tree-scaped land open to the public. The planning permission and the approved plan is attached as Appendix 13). This enabled the area of land to the north to be operated as the “Lion Park”, a tourist attraction, more recently known as Tamba Park (whose use was formalized by planning permission P/2016/0503 – see below). The approved plan shows the then single glasshouse on Field 770 and the then two glasshouses standing on Field 78. This is the origin of the gap running north/south between the western glasshouse and existing glasshouse and in which the Tamba Park African Sculpture Walk sits today.
- 4.6 On 1st October 1992 planning permission was granted under reference 3199/IA for landscaping of Part Field 78 to form over-spill parking for visitors in four blocks totaling 88 car parking spaces. This planning permission

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included a “coach dropping off point” on approved plan reference 714/080, revision B, and established the “Entrance” to Tamba Park” directly from La Rue de Varvots. The permit required the retention of existing conifers on LaRue des Varvots. The permit and the approved plans are attached in Appendix 14. A consequence of this permission was to also change the setting of the Retreat Farm farmhouse from an agricultural field to an intensely active and hard surfaced car park for the visitor attraction. This is the area of site where the new dwelling is proposed today under P/2017/0805.

- 4.7 On 18th February 1994 planning permission was granted under reference 3199/OA to enlarge existing flower packing area within existing western glasshouse block and which accounts for the extensive area of concreted hardstanding inside the western glasshouse block. The permit and approved plans are attached in Appendix 15.
- 4.8 In respect of the eastern glasshouse, this stands on the site where, originally, two previous single glasshouses once stood. On 9th August 1995 planning permission was granted under reference 3199/PA for development comprising “demolish existing pair of glasshouses and replace with new single glasshouse”, at Retreat Farm, on Field 78. The approved drawings were BD, CD, DD, and ED. Drawing BD identified in yellow the two single glasshouses in Field 78. Drawing CD identified the proposed single glasshouse and the “new production area”. Drawing DD identified the Existing Layout and the two “Glasshouse[s] to be replaced”. Drawing ED identified the “New Commercial Glasshouse” and “demolish 2 no. existing commercial glasshouses”. . The planning permission included a condition (4) stating *“should the glasshouses fall into disuse or disrepair they shall be removed from the site and the land restored to agricultural use.”* No reasons were stated on the planning permission for the condition. I note that the condition 4 refers to glasshouses in the plural and, in the context of an application to demolish two glasshouses and to replace these with a single glasshouse, in my view, the condition applies to a situation where the two glasshouses where the new glasshouse was not built but the then existing two glasshouses (in such a state as to be

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then proposed for demolition) would otherwise be left to fall into disuse or disrepair. Conversely, there would be no need for a new glasshouse to have a disuse or disrepair provision. It is my view, therefore, that, consistent with the permission references 3199/I and 3199/K, for the existing western glasshouse, permission reference 3199/PA also does not have a condition.

that applies to the existing eastern single glasshouse. The permit and the approved plans are included in Appendix 16. If it were otherwise, then it is my view that an inconsistency arises between the permissions for the two glasshouses and that condition 4 of 3199/PA is invalid for the reasons set out in the Applicant's Statement of Cases and which I agree with (so far as they comprise matters of planning judgment).

- 4.9 On 21st October 1996 planning permission was granted to house a polystyrene box moulding plant in the western glasshouse block to include ancillary hardstanding. The permission was made personal to the applicant and restricted hours of operation together with other restrictions included in the permit. The permit and the approved plans are attached in Appendix 17. It involved the creation of further extensive concrete hardstanding within the glasshouse.

Therefore, over time, the floor areas of the existing two glasshouses have become almost exclusively concrete hard standing, and with smaller areas of compacted gravel designed to support structures and stands for tables and people to work and can be seen today. The structures of the existing glasshouse structures are bolted to concrete foundations and these are integral to the concrete hardstanding areas.

- 4.10 (Aside from 3199/PA, 3199/I and 3199/K (Barrett Plan), these permissions were all granted having regard to the Island Plan (1987) and before the current Island Plan (2011, amended 2014). The western block was in the Sensitive Landscape Area of the Agricultural Priority Zone and the eastern block was in the Agricultural Priority Zone.

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- 4.11 Policy CO6(b) of the Island Plan (1987) relating to the Agricultural Priority Zone stated that: *“applications for new agricultural buildings and other forms of development for which the Committee accepts a need will generally be approved subject to considerations of siting and design.”*
- 4.12 Policy CO8 relating to the Sensitive Landscape Area of the Agricultural Priority Zone stated *“every application for agricultural development in the Sensitive Landscape Area of the Agricultural Priority Zone will be very carefully considered in relation to its effects on the landscape, with particular consideration being given to siting and design. Wherever possible new buildings should be sited near to existing ones or within a group of buildings.”*
- 4.13 It is on the basis of these policies that the applications for the western and subsequent eastern glasshouse blocks would have been permitted.
- 4.14 Policies CO27, CO28 and CO29 of the 1987 Island Plan addressed proposals for redundant, uneconomic and derelict glasshouses.
- 4.15 Policy CO27 stated *“in general, glasshouses will be regarded as temporary structures related to the agricultural and horticultural use of the land. Policies for the Green Zone or Agricultural Priority Zone will be applied and there will be a general presumption against new development on sites occupied by derelict glasshouses.”*
- 4.16 Policy CO27 at the time explained that glasshouses were to be regarded as “temporary structures”. However, the policy is prefaced by “in general” and so, in my planning judgment, recognises that glasshouses fall to be assessed on their particular situations. Further, the policy could not change the Planning Law. Today’s Planning Law does not create a sub-class of “temporary” structure or building. A structure is a structure and planning permission is required for demolition and for the erection of structures (as buildings, covered by the Planning Law). The Glasshouses at Retreat Farm are clearly structures and, therefore, for the purpose of the law, buildings. Like other buildings, they

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are required to be formed on foundations to ensure they remain in situ. They rely on a superstructure to fit the glazed walls and roofs (or polycarbonate panels for the packing area). In the case of Retreat Farm, extensive areas of flooring have been concreted to create a packing area and a box making facility.

- 4.17 Policy CO28 stated *“new development on uneconomic glasshouse sites may be approved but each application will be judged on its merits. Sites which are closely related to built-up areas, which have good access to services and where development would not constitute an unacceptable intrusion into open countryside will be considered favourably, particularly where their development would provide essential housing accommodation.”*
- 4.18 Finally, Policy CO29 stated *“where derelict glasshouse units are unsuitable for development, they should be carefully be dismantled and the land restored to agricultural or horticultural use. In conjunction with the Committee of Agriculture and Fisheries and the Public Works Committee the Island Development Committee will seek to set up a scheme to assist landowners in this restoration.*
- 4.19 In my planning judgment, although no reasons were stated on planning permission reference 3199/PA planning conditions, in particular condition 4, the then Policy CO29 supports my judgement that condition 4 referred to the two single glasshouses that were proposed to be “demolished” and were permitted by that permission to be demolished. That is, the very proposal for their demolition signaled their being “derelict” and “unsuitable”, and so, consistent with CO29, condition 4 applied to the two existing single glasshouses to ensure, if the new glasshouse was not erected, that the two proposed for demolition would be carefully dismantled and the land restored. In the event, however, they were demolished and the permitted new (not derelict) glasshouse was erected. Policy CO29 also recognised the public interest in land restoration. There is, however, no public scheme to assist landowners with the restoration then envisaged.

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- 4.20 During the currency of the current Island Plan (2011, as amended in 2014), on 24th November 2016 planning permission was granted (under reference P/2016/0503) for change of use of land to form car park to the west of site, installation of animatronic sculptures, play areas and acoustic fencing. Planning permission was granted subject to a number of conditions. Two of these conditions relating to an acoustic survey and landscaping have yet to be discharged by the Planning Department.
- 4.21 The planning permission required an Acoustic Survey, which has been submitted and a Landscaping Plan. The application was sought by the Department to formalize the use as Tamba Park as distinct from the earlier permission granted that enabled the operation of the Lion Park. Most of the land for this permission sits outside the Application Sites, the subject of this Public Inquiry.

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5.0 THE PROPOSALS

- 5.1 In the context of the planning history of the Application Sites, together, the proposals seek permission for development that comprises demolition and redevelopment of the Sites: to demolish two existing and very large glasshouses, to remediate much of the land they stand on to functional (and potentially functional) agricultural quality, and situate development with a considerably lighter environmental footprint on that land appropriate to this landscape and area near to the existing cluster of buildings. The whole land area will remain in its existing employment use, save that a small area (currently a well-used car park and close to Retreat Farm itself) will change to a dwelling use. Planning Application P/2017/0805 involves the demolition of the eastern block of glass (8,837sqm) and its replacement by an open agricultural field (2.2 acres). It also involves the development of a new dwelling and ancillary garage (457sqm) on the existing Tamba Park Car Park (75 parking spaces) accessed from La Rue des Varvots.
- 5.2 The design of the proposed house and garage has a similar form and construction to the self-catering units and be subservient in character to Retreat Farm. It is intended to have a light environmental footprint, being constructed of simple local foundations supporting a skeletal steel framework with timber floor cassettes set between. This means that they sit up slightly above the ground, can be highly insulated and sealed, with minimal concrete. The walls are to be clad again in a similar manner to the green unit with horizontal timber cladding with a green sedum roof. The building can be modular construction potentially off site, maximum thermal performance and air tightness limiting energy consumption, generally timber construction considered as highly sustainable, coupled with green technology - solar thermal/heat pumps and underfloor heating maximise the efficiency of the systems with maximum viable local green energy use. Existing landscape boundary features are retained and enhanced.

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- 5.3 The Application Site for Planning Application P/2017/0805 is on 3.12 acres of land of which 2.2 acres is occupied by the existing eastern glasshouse block. In volumetric terms the volume of development on the land would reduce from 42,000 cubic metres (existing glasshouse) to 1,500 cubic metres (proposed dwelling and garage) and which would represent only 3.5% of the original building's volume. The footprint of the proposed dwelling and garage would represent 5% of the footprint of the glasshouse to be replaced.
- 5.4 The Application Site for P/2017/1023 is on 6 acres of land of which 4.5 acres is occupied by the existing western glasshouse block. In volumetric terms the volume of development on the land would reduce from 71,000 cubic metres (existing glasshouse) to 6,400 (proposed self-catering units and ancillary buildings) and which would represent only 9% of the original building's volume. The footprint of the proposed self-catering units and ancillary buildings would represent 13% of the footprint of the glasshouse to be replaced.
- 5.5 The development proposes the demolition of the western glasshouse block (18,182sqm) and its replacement with; (a) 27 self-catering holiday accommodation units (14 No. 3 bed units and 13 No. 2 bed units) and ancillary structures (2,352sqm) (built on pad foundations to locate wheels and stabilizers) within an improved landscaped setting to the north of the site; and, (b) a 168 space replacement car park for Tamba Park to the south of the Western Site. The proposed car park would result in the closure (and so redundancy) of the existing car park serving Tamba Park and that is accessed directly from La Rue De Varvots. The location of this existing car park arose from the origins of Tamba Park as, originally, a Park established by the previous farm owner of this location and near to the former farmhouse. The car park is a relic, so to speak, of the iterative establishment of the Park facility. This being so, its central location and particularly its access close to permanent residences, today results in amenity impacts from traffic on local people.

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- 5.6 The proposed self-catering units are individual ‘lodges’, provided by a pre-fabricated timber frame construction with timber cladding, a real green roof (i.e. grassed) and with solar panels. They will sit on small concrete pad foundations to locate and secure the unit’s wheels (for accurate placement) and stabilizers. They have been designed to have a very light touch on the ground, so that the land on which they are located can remain agricultural quality land and the small volume of concrete pad foundation can also be restored to agricultural use. The ground surface of the land will have some landscaping. Each unit will sit in its own landscaped plot accessible by pedestrians only and screened by new planting. A separate dedicated car parking area (27 parking spaces) is proposed to the west of the units on Tamba Park’s proposed car park (the existing overflow car park).
- 5.7 The car parking area for Tamba Park has also been carefully designed to provide for the restoration of the underlying ground to good quality land, with environmentally beneficial (permeable) surfacing in place of impermeable concrete and glass, and comprises 3 double rows of echelon car parking, each row interspersed by new landscaping and planting. Additional planting is proposed at the western end of each parking row to prevent the car park being visible from La Rue de la Frontiere and so minimising environmental effects further. Visitors will access the new Tamba Park entrance directly using dedicated pedestrian routes to arrive at a newly created entrance to Tamba Park from the east of the car park. An existing overflow car park (at the western end of the WS) already providing parking for Tamba Park visitors, will provide 33 parking spaces for Tamba park visitors.
- 5.8 The Proposals also include the improvement of the existing (westernmost) vehicle access onto La Rue de la Frontiere to ensure satisfactory visibility splays are achieved. This involves moving to the east the existing easternmost edge of the highway onto the Applicant’s land so as to flatten out the bend and so increase its safety for all. The eastern move of the highway radius results in the eastern move of the western edge of the road surface

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also. The resulting gap between the existing westernmost road edge and the proposed westernmost road edge is proposed to be filled by a new raised platform bus stop and road markings. The new bus stops will make the popular Tamba Park (and also the proposed self-catering tourist accommodation, and existing residences) more accessible and is a significant net planning benefit. The proposed access also provides for dedicated on-site pedestrian access, for visitors arriving by bus and by private vehicle. Two new bus stops (north and south) are proposed and can serve the Tamba Park and Tamba Park self-catering site at the entrance from La Rue de La Frontiere, where a bus shelter to shelter visitors using the south bound route, is proposed on the resulting finger of land extending out from the south west corner of the site into Field 772. This part of the proposal results in a land take of currently private land (owned or controlled by the Applicant) and extends approximately 30 metres into Field 772 and is between 5 metres and 6 metres in width to accommodate the footpath from the proposed bus shelter to Tamba Park and also provides for the widening of La Rue de Frontiere to enable the provision of safe highway junction and safe bus stop drop off points either side of the road in this location, and by comparison to the existing historic junction situation. The provision of private land for public (highway) benefit is a significant planning benefit. The provision of private land for public transport provision is also a significant planning benefit.

- 5.9 Plans explaining the development proposals for both Applications are included as Appendices 01 and 02.

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6.0 THE PLANNING PROCESS

6.1 A pre-application meeting was held on 8th May 2017 with the Minister for Planning & Environment to discuss proposals for Retreat Farm, when the Applicant was advised to make a case that Environmental Impact Assessment was not required to support any planning application. It was inferred that this was the view of the Minister for Planning of Environment who has discretionary powers to decide whether an Environmental Impact Assessment is required or not.

FOR APPLICATION P/2017/0805 – (the restoration of Field L78, removal of car park, and provision of a new dwelling).

6.2 Application P/2017/0805 for the Eastern Site was accepted and validated by the Department on 16th June 2017 and a site notice displayed on the site from 22nd June 2017 for the required display period. On 9th August 2017 (following validation of the Application) the Director of Development Control then first requested the preparation of an Environmental Impact Assessment (“EIA”) to support both Planning Applications.

6.3 An Environmental Impact Assessment and a Heritage Assessment (for both applications), an up-dated Planning Statement (for P/2017/0805) and refined plans were submitted in October 2017, a new site notice was displayed on 25th October 2017 and the application was further advertised in the Jersey Evening Post on 31st October 2017.

6.4 The plans were initially revised in October 2017 to change the name of the Applicant to “JAJ Properties Ltd” reflecting the control of land ownership; to include additional images of the proposed landscaping; and reconcile the (smaller) site boundary with (the wider) landownership.

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- 6.5 The plans were then further refined in December 2017. Changes were made primarily in response to the then recently received consultation comments received from the Department for Infrastructure (Transport) who, notwithstanding the planning permission for Tamba Park granted under P/2016/0503, were now unwilling to support the application if it included the ongoing use of the existing southern parking area for Tamba Park with access off La Rue des Varvots. This is because the application did not include the degree of public transport improvements proposed with the related application P/2017/1023. The then objection reflects the importance for planning purposes (both from transportation and amenity effects) of the cessation of use of the existing Tamba Park southern car park and the similar subsisting unsafe situation (due to lack of footways and visibility) of the westernmost junction access of the Application Sites.
- 6.6 The Application was, therefore, refined again and the red line amended to bring the western edge in line with the landownership situation and also to avoid the red lines of the two Applications from overlapping (See Location Maps in Appendix 03), whilst preserving the intent of the Proposals that they were inter-related, and subject to agreement with the Planning Department that the two Applications could instead be tied together by a Planning Obligation Agreement (POA). The POA terms will require the demolition of all glasshouses on both sites and the prior implementation of the new (western) car park to serve Tamba Park and associated public transport improvements proposed under application (P/2017/1023), with associated agreed highway improvements, and all before the erection of the single dwelling on the site of the current Tamba Park visitor southern car park.
- 6.7 Consequently, to address the desires of DfI, the red-line location map was refined and plans 10073 115, 116 and 117 were deleted from the application so that the existing car-parking area for Tamba Park on application P/2017/0805 (for the dwelling) was removed from that proposal and its removal instead appears on P/2017/1023 only. Thus, execution of P/2017/1023 would enable cessation of the car park and result in a former

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visitor car park becoming available for situating the proposed single dwelling.

- 6.8 This refinement allows the two applications be determined as if they were a single, combined, application (because the dwelling could not be built without removal of the car park and so execution of P/2017/1023) and which means that application P/2017/1023 can also benefit from the environmental improvements included in application P/2017/0805, namely the removal of the eastern block of glass by an open agricultural field.
- 6.9 In accordance with Articles 14 to 17 of the Planning Law, various statutory consultees have made representations in respect of application P/2017/0805. These have been tabulated in Appendix 18. There are no objections from any of the statutory consultees in response to the current Applications. Of particular note is the support given to the Applications from the Director for the Rural Economy who, in Jersey, also promotes Tourism, itself also an employment use.
- 6.10 The Applications have generated interest from the general public. In total there have been 45 letters submitted, of which 2 letters are in support and 42 are letters of objection, including 21 letters that object to the combined applications P/2017/0519, P/2017/0805 and P/2017/1023. The objections are mainly from local people.
- 6.11 The letters of support recognized the significant reduction in the intensity of use arising from the demolition of the eastern block of glasshouses and the closure of the existing Tamba Park car park resulting in a significant reduction in traffic on La Rue des Varvots, a narrow rural lane. It is unclear whether the objections made recognised the environmental and amenity benefits of the Applications.
- 6.12 The principal reasons for objection (in respect of P/2017/0805) can be summarised as follows:
- contrary to the Island Plan's strategic policies.

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- unwarranted new residential development in the countryside and Green Zone (a precursor for more residential development on the site).
- Contrary to glasshouse policies
- Inadequate foul drainage capacity

The other letter was neutral, simply stating that the glasshouses were incapable of producing a potato crop.

FOR APPLICATION P/2017/1023 – (restoration of Field M770, provision of self-catering lodges, and car park)

- 6.13 Application P/2017/1023 for the Western Site was accepted and validated by the Department on 24th July 2017 and is now before the Planning Inspector at the Inquiry. On 9th August 2017 (following validation of the Application) the Director of Development Control requested the preparation of an Environmental Impact Assessment to support both Planning Applications.
- 6.14 An Environmental Impact Assessment and a Heritage Assessment (for both applications) the submission of an up-dated Planning Statement, Design Statement, Economic Statement and Crime Impact Assessment and revised plans were submitted in October 2017, a site notice was displayed on 25th October 2017 and the application was advertised in the Jersey Evening Post on 31st October 2017.
- 6.15 The plans were refined in October 2017 to clarify the site boundary; to respond to Department for Infrastructure (Highway) comments and to relocate the refuse stores. It also included new plans to explain lighting and drainage arrangements; provision for a new bus shelter and, clarification about how safe visibility would be achieved at the site entrance, including landscaping proposals to minimise views of the proposed Tamba Park car park.

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- 6.16 The plans were further refined in December 2017 and included additional information on the form of the self-catering units (specifically the chassis) requested by the Planning Inspector; site boundary landscaping proposals further strengthened; additional highway improvements in response to the Department for Infrastructure (Highways), and up-dated drainage proposals in response to Department for Operations (Drainage) including the addition of the pumping station to the north of the western glasshouse. These iterative refinements have resulted in the removal of recently expressed concerns and objections by these statutory consultees to the Applications.
- 6.17 In accordance with Articles 14 to 17 of the Planning Law, various statutory consultees have made representations in respect of application P/2017/1023. These have been tabulated in Appendix 19. There are no existing objections from any of the statutory consultees in response to the current Proposals. Of particular note, as said above, is the support given to the Proposals from the Director for the Rural Economy, and who, in Jersey, also promotes Tourism, itself also an employment use.
- 6.18 The application has generated a significant amount of interest from the general public. In total there have been 53 letters submitted, of which 2 letters are in support and 50 are letters of objection, including 21 letters that object to the combined applications P/2017/0519, P/2017/0805 and P/2017/1023.
- 6.19 The 2 letters of support recognized the contribution to tourism arising from the proposed development replacing an unsightly existing development.
- 6.20 The principal reasons for objection (in respect of P/2017/0805) can be summarised as follows:
- contrary to the Island Plan’s strategic policies.
 - unwarranted new residential development in the countryside and Green Zone (likely change of use to permanent residential) and sets an undesirable precedent.
 - Contrary to glasshouse policies

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- The site is not a brownfield site
- Intensification of use
- Inadequate foul drainage capacity
- Harmful to wildlife
- Increase in noise and light pollution
- Proposal does not reduce dependency on the car
- Loss of mature trees
- Car park has caused flooding of neighbouring properties
- Pattern of behavior by the applicant

The other letter was neutral, simply stating that the glasshouses were incapable of producing a potato crop.

6.21 MSPlanning Ltd responded to the representations received in respect of both applications in its letter dated 12th October 2017 and which tabulated the objections and the Applicant's response to each objection (see Appendix 20).

Plans explaining how the Applicant has responded to the requirement for an EIA after the submission of both planning applications and the iterative nature of highway comments are included as Appendices 1 and 2. A number of refinements have been made to the red lines associated with each planning application, which have been explained. are explained below. These plans are provided in sequence as Appendix 21.

6.22 Additional public consultation

6.23 In addition to the statutory public consultation process the Applicant has also taken the opportunity to canvass opinion from Tamba Park customers using the social-media platform Face-Book. A copy of the post, which was posted on 25th January 2018 is included as Appendix 22 and a link to the post is provided at: <https://www.facebook.com/tambapark/posts/2014500075489779>.

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6.24 This explained the development proposals, referenced the links to the States website and asked three questions:

- a. Do you feel our plans will spoil or improve this area?
- b. Do you feel the plans will improve the customer experience of the local environment at Tamba Park?
- c. Do you feel Jersey needs more self-catering holiday units to attract more tourism and do you feel it's a good location to build the self-catering lodges?

6.25 There have been 486 likes, and 160 comments. The majority are supportive.

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7.0 RELEVANT PLANNING POLICIES

7.1 A policy analysis is being provided in [REDACTED] Proof of Evidence. A list of all policies considered as part of the assessment for these Planning Applications is provided below.

7.2 PREVIOUS ISLAND PLAN POLICY

7.3 The 1962 Barrett Plan had no policies relating to glasshouses. The only relevant policy related to agricultural land and stated that only farm development could occur on agricultural land. The permissions (of 1975 and 1978) for the western glasshouse falls to be considered in this context.

7.4 Subsequently, Policy CO6(b) of the Island Plan (1987) relating to the Agricultural Priority Zone stated that: *“applications for new agricultural buildings and other forms of development for which the Committee accepts a need will generally be approved subject to considerations of siting and design.”*

7.5 Policy CO8 relating to the Sensitive Landscape Area of the Agricultural Priority Zone stated *“every application for agricultural development in the Sensitive Landscape Area of the Agricultural Priority Zone will be very carefully considered in relation to its effects on the landscape, with particular consideration being given to siting and design. Wherever possible new buildings should be sited near to existing ones or within a group of buildings.”*

7.6 It is on the basis of these policies that the subsequent application for the eastern glasshouse block (permitted in 1995) would have been permitted.

7.7 Policies CO27, CO28 and CO29 of the 1987 Island Plan addressed proposals for redundant, uneconomic and derelict glasshouses.

7.8 Policy CO27 stated *“in general, glasshouses will be regarded as temporary*

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structures related to the agricultural and horticultural use of the land. Policies for the Green Zone or Agricultural Priority Zone will be applied and there will be a general presumption against new development on sites occupied by derelict glasshouses.”

7.9 Policy CO27 at the time explained that glasshouses were to be regarded as “temporary structures”. However, the policy is prefaced by “in general” and so, in my planning judgment, recognises that glasshouses fall to be assessed on their particular situations. Further, as I have noted above already, the policy could not change the Planning Law. Today’s Planning Law does not create a sub-class of “temporary” structure or building. A structure is a structure and planning permission is required for demolition and for the erection of structures (as buildings, covered by the Planning Law). The Glasshouses at Retreat Farm are clearly structures and, therefore, for the purpose of the law, buildings, and so fall to be treated as permanent buildings in the ordinary way. Like other buildings, they are required to be formed on foundations to ensure they remain in situ and this is so at Retreat Farm. They rely on a steel and aluminium superstructure to fit the glazed walls and roofs (or polycarbonate panels for the packing area). In the case of Retreat Farm, extensive areas of flooring have also been concreted to create a packing area and a box making facility. These glasshouses are a form of industrial building by any other name.

7.10 Policy CO28 stated *“new development on uneconomic glasshouse sites may be approved but each application will be judged on its merits. Sites which are closely related to built-up areas, which have good access to services and where development would not constitute an unacceptable intrusion into open countryside will be considered favourably, particularly where their development would provide essential housing accommodation.”*

7.11 Finally, Policy CO29 stated *“where derelict glasshouse units are unsuitable for development, they should be carefully be dismantled and the land restored to agricultural or horticultural use. In conjunction with the Committee of*

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Agriculture and Fisheries and the Public Works Committee the Island Development Committee will seek to set up a scheme to assist landowners in this restoration.

7.12 ISLAND PLAN POLICY 2011 (Revised 2014)

1. The Minister is required by Article 3(1) of the Planning Law to prepare an Island Plan and by Article 4(3), the Island Plan must further the purposes of Article 2(1) and the intention of Article 2(2).
2. Article 19(2) requires that permission be granted if the development proposed accords with the Island Plan.
3. The latest Island Plan 2011 was revised in 2014 and the following Island Plan Policies are relevant:
 - a) SP1(2) Spatial Strategy;
 - b) SP2 Efficient Use of Resources;
 - c) SP3(4) Sequential approach to development;
 - d) SP4 Protecting the natural and historic environment;
 - e) SP5(1), (2) and (3) Economic Growth and diversification;
 - f) SP6 Reducing dependence on the car;
 - g) SP7 Better by design;
 - h) GD1 General development considerations;
 - i) GD4 Planning obligations;
 - j) GD6 Contaminated land;
 - k) GD7 Design quality;
 - l) GD8 Percentage for Art;
 - m) NE1 Conservation and enhancement of biological diversity;
 - n) NE2 Species protection;
 - o) NE3 Wildlife corridors;
 - p) NE4 Trees, woodland and boundary features;
 - q) NE7 (7), (9)-(11) Green Zone;
 - r) HE1 Protecting historic buildings and places;
 - s) ERE2 Diversification of the agricultural and the rural economy;
 - t) ERE6 Agricultural buildings, extensions and horticultural structures;

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- u) ERE7 Derelict and redundant glasshouses;
- v) EVE1 Visitor accommodation, tourism and cultural attractions;
- w) TT4 Cycle parking;
- x) TT5 Road safety;
- y) TT7 Better by public transport;
- z) TT8 Access to public transport;
- aa)TT9 Travel Plans;
- bb)TT12 Parking provision outside St Helier;
- cc)NR1 Protection of water resources;
- dd)NR2 Water capacity and conservation;
- ee)NR7 Renewable energy in new developments;
- ff) WM1 Waste minimisation and new development;
- gg)LWM1 Liquid waste minimisation and new development;
- hh)LWM2 Foul sewerage facilities;
- ii) LWM3 Surface water drainage facilities.

7.13 Other material considerations

Supplementary Planning Guidance

Protection of Employment Land

Bats, Buildings and the Law

Crime Impact Assessment

Design Statements for Planning Applications

Development of potentially contaminated land

Disposal of foul sewage

Percent for Art

Planning Obligation Agreements

Protection of Employment Land

Repairing walls, fosses and banques

Site waste management plans

Parking Guidelines

Environmental Impact Assessment

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7.14 Under the policies of the current Island Plan, a number of other glasshouse sites have received planning permission for redevelopment:

- Les Sapins, St Saviour, (permission PP/2012/1682)
- Field 178, St John, (permission PP/2014/0651)
- Les Nouettes, St Clement). (permission PP/2016/1010)

In each case, planning permission has been given for the development of one house (or two houses, in the case of Les Nouettes) and the restoration of most of the remaining site back to agriculture. The replacement footprint of development ranged between 4% and 15%. The permits and location maps of each are provided in Appendix 8. It is clear from each of these permits that a range of environmental improvements including clearance of the glass and net significantly reduced volume of building; remediation and restoration of agricultural land, reduction in intensity of use and additional landscaping, and so on, were provided. This is so in the situation proposed at Retreat Farm also.

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8.0 COMPLIANCE WITH POLICY

I prepared a Planning Statement dated December 2017 for application P/2017/0805 for the eastern block, and a Planning Statement dated October 2017 for application P/2017/1023 for the western block. Both Planning Statement's set out the planning policies relevant to the Application and which are addressed in [REDACTED] PoE.

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9.0 OTHER MATERIAL CONSIDERATIONS

9.1 PLANNING OBLIGATION AGREEMENT

A planning obligation agreement provides for the guaranteed delivery of the comprehensive environmental improvements for Retreat Farm proposed in the Applications, and in sequence, so as to ensure that the single dwelling proposed is not erected before these improvements are carried out. The planning obligation agreement will ensure the following:

9.2 Removal of self-catering units if they fall into a state of disuse and disrepair

9.3 To secure on and off-site highway improvements

9.4 To secure restoration of western and eastern glasshouse blocks to an agricultural land quality

9.5 THE ENVIRONMENTAL IMPROVEMENTS

The inter-related nature of the two Applications allows comprehensive environmental gains to be delivered for this now redundant industrial site:

- Significant reduction in built floorspace and built volume
- Significant reduction in intensity of use
- Significant increase in permeable surfaces
- Significant increase in open land, including a new agricultural field
- Significant reduction in traffic on La Rue des Varvot, a narrow rural lane
- Remediation of localized soil contamination
- Reinforced field boundaries and extensive landscaping
- Reduction in disturbance to neighbours

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- Various ecological enhancements

This is a unique opportunity to secure significant environmental gains for Jersey in this location in particular circumstances where one Applicant, with control over all the land and adjacent site, is proposing development that will restore land to agricultural quality and so to Jersey's agricultural land bank, and to contribute to Island's visitor experience whilst removing structures that have potential to become an eye-sore in this location.

CONCLUSION

Having regard to an understanding of the history of the glasshouse industry and its current day status of being in terminal decline; having regard to the history of the Application site built as a bespoke development for industrial scale production and export of bedding plants, a packing station and a box-making facility (including concrete floors) and its consequent inability to be viably converted for alternative crops (potatoes); have made the glasshouses redundant. The marketing exercise carried out by CBRE has proven this to be the case.

The proposal to remove all the glass (with no disuse or disrepair conditions) and to remediate all the land to an agricultural quality together with all the other environmental improvements, described in section 9, above make a compelling case why planning permission is justified here in the planning interests of the Island and as further explained in [REDACTED] Proof of Evidence on Policy Compliance.