

AB16 – PoE - Retreat Farm – Planning Assessment B

PROOF OF EVIDENCE – PLANNING ASSESSMENT

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**

**ON BEHALF OF
JAJ PROPERTIES LTD**

Prepared by Stephanie Steedman

1st February 2018

AB16 – PoE - Retreat Farm – Planning Assessment B

Contents

	PAGE
1 AUTHOR	3
2 SCOPE OF PROOF OF EVIDENCE	5
3 PLANNING POLICY CONTEXT AND CASE	8
4 ENVIRONMENTAL IMPACT ASSESSMENT	59
5 MATERIAL CONSIDERATIONS	63

Appendix 1	States of Jersey Strategic Plan 2015-2018
Appendix 2	Destination Jersey Plan (2015)
Appendix 3	Letter from [REDACTED] (CEO Destination Jersey dated 17th July 2017)
Appendix 4	Comments from Head of Rural Economy Strategy dated 15th December 2017
Appendix 5	Centre Parcs - Terms and Conditions

1 Author

- 1.1** My name is Stephanie Steedman and I am a Planning Consultant providing independent planning advice in Jersey. My business name is KEPlanning. I am a chartered Planner and hold a Post-graduate Diploma in Town and Country Planning from Heriott-Watt University. I also have an MA in Urban Design from Oxford-Brookes University and am a Practitioner Member of the Institute of Environmental Management and Assessment.
- 1.2** I have been working as a Planner since 1995, when I joined the States Department of Planning and Building Services. I left the Planning Department in 2006 and have been working as an independent planning consultant in Jersey since then covering a wide range of development types, including residential, commercial, mixed-use and tourism developments. I have a good working knowledge of Jersey and how planning policy is applied in the island.
- 1.3** My Masters thesis was about re-imagining St Helier as a tourism destination. As a result of this work I have knowledge about the history of tourism in Jersey.
- 1.4** I have been working in environmental impact assessment (EIA) in Jersey since 2006 and have managed a number of Environmental Impact Statements (EISs) covering a range of development types, including self-catering development, commercial, residential and mixed use developments.
- 1.5** I have also prepared Transport Statements, Landscape and Visual Impact Appraisals, Construction and Environmental Management Plans for a variety of schemes in the island.

AB16 – PoE - Retreat Farm – Planning Assessment B

Role on the project

1.6

My role on the Retreat Farm project has been to:

- Co-ordinate and prepare the Environmental Impact Assessment. I am the Author of the Environmental Impact Statement.
- Oversee the preparation and production of some of the environmental assessments that support the EIA process and the EIS.
- Prepare assessments that support the Planning Applications, including those for transport and Construction and Environmental Management Plans.
- Co-ordinate and manage the public inquiry process on behalf of the Applicant.
- Provide planning advice and support to the Applicant.

1.7

The evidence that I have prepared in this Proof of Evidence (PoE) is to the best of my knowledge true.

2 Scope of Proof of Evidence

2.1 This PoE relates to the decision made by the Minister for Planning and Environment to determine the Applications for planning permission for the proposed self-catering lodges, new dedicated car park for Tamba Park, restoration of Field L78 and new dwelling at Retreat Farm, through a public inquiry process.

2.2 There are two applications proposing development for:

- a) self-catering accommodation and a new car park for Tamba Park (from La Rue de la Frontiere) to replace an existing western block of glass on Field M770 following remediation of that Field to agricultural quality land (Planning Application (P/2017/1023)); and,
- b) a new dwelling on the existing Tamba Park car park (from La Rue des Varvots) and replacement of the existing eastern block of glass on Field L78 following remediation of that Field to functional agricultural field and car park to potential agricultural quality land (Planning Application (P/2017/0805)).

2.3 For the purposes of presenting to the public inquiry, the applications have been considered together, and this Proof presents a combined presentation.

2.4 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 Application reference: P/2017/1023. Location

AB16 – PoE - Retreat Farm – Planning Assessment B

plans showing the extent of each Planning Application are included as Appendix 1.

- 2.5** 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.
- 2.6** The Application Sites straddle two parishes. The western part of the site (off La Rue de la Frontiere) is located in St Mary. The eastern part of the site (off La Rue des Varvots, is located in St Lawrence. This factor has no material impact on the consideration of the applications.
- 2.7** The two Application Sites sit within a larger land ownership controlled by the Applicant and comprises Tamba Park (4.5 acres). A plan explaining the relationship is included with [REDACTED] [REDACTED] Proof as Appendix 2. 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. Tamba Park offers a range of attractions including a Dinosaur Trail, Children's Adventure Playground, African Sculpture Walk, Cafe, Gift Shop, Boating Lake with 4 Micro Boats, Remote Control Tornado Boats, Restaurant, Rainforest themed indoor Playzone, Toddler Soft Play, Mini Arcade and Crazy Golf. Because of its pricing policy it is attractive to tourists and locals alike, 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.

AB16 – PoE - Retreat Farm – Planning Assessment B

2.8 In this POE I will:

- provide an up to date narrative of relevant planning policy;
- building upon the Applicant's Statement of Case, outline the key planning constraints and how these have influenced the design;
- outline adherence to planning policy, including any updates as necessary;
- explain the EIA process that has been followed for the scheme and the adherence to statutory provisions and guidance in preparing this EIS and supporting assessments;
- outline key environmental constraints of the project site and how those have influenced design; and
- explain the design mitigation and how the design of the scheme has responded to the need to incorporate design mitigation and what other design mitigation is proposed as part of the overall mitigation strategy.

Links with other Proofs

2.9 Details of assessments undertaken and reported by other expert witnesses are covered in their respective POEs.

2.10 A summary is issued separately.

3 Planning Policy Context and Case

Introduction

- 3.1** The basis of the planning policies lies in the Planning and Building (Jersey) Law 2002 (as amended at 1st January 2017). Article 2(1) and (2) provide the purpose of the Law and (a) requires development in accordance with the development plan (b) requires sites of special importance to be protected, and (c) requires transport and travel to be orderly. Article 3(1) requires the Minister to prepare the Island Plan. Article 6(3) requires the Minister to take account of the “extent to which the proposed development complies with relevant guidelines and other policies”. Article 13(2) requires that an environmental impact statement has been provided and it must be taken into account in the determination of the application.
- 3.2** The requirement for an assessment of planning policies is provided for by Article 19. In accordance with Articles 19(1) and (2) the development proposed has been assessed in accordance with the Revised 2011 Island Plan (2014) (“RIP 2011”), and having regard to all material considerations, relevant draft and adopted supplementary planning guidance published by the Planning Department and other policies and to all other material considerations relevant to the land-use decision-making process. It may be that not all planning policies can be complied with and, if so, it appears implicit that a final balance judgement must be made about compliance “with the Island Plan” taken as a whole (see Article 19(3)).
- 3.3** For completeness, under Article 19(3) planning permission may be granted where the proposed development is inconsistent with the RIP 2011, if there is sufficient justification for doing so. The Applicant only relies on this provision if the Inspector finds

AB16 – PoE - Retreat Farm – Planning Assessment B

that there is a material breach of a policy or policies results in him being unable to find acceptability of the proposals with the Island Plan as a whole.

- 3.4 Article 23 provides for a range of categories of planning conditions.

Strategic policy framework

- 3.5 Strategic planning in Jersey is provided by the States of Jersey through the “*States Strategic Plan 2015 to 2018*”. The plan identifies the key priorities and sets the strategic direction for detailed delivery of plans (included as **Appendix 1**).

- 3.6 The Strategic Plan focuses on the issues that will make the biggest difference for Islanders – keeping what is best about Jersey, and making the Island a better and more enjoyable place to live and work and visit. The Plan focuses on a number of key issues including support for a more productive economy and protecting the countryside of the island. One of the key purposes of the Strategic Plan is to deliver positive, sustainable economic, social and environmental outcomes. Goals include:

- Increasing the performance of the local economy and encouraging economic diversification;
- protecting and enhancing the Island’s natural and built environment; and,
- developing public transport that meets the needs of the community.

- 3.7 Economic growth is a key priority for the Island’s government and underpins many of the goals and challenges facing the island. The stated ambition of the States of Jersey is to achieve environmentally sustainable, productivity-led economic growth. Productivity is considered to be a function of how well the island

AB16 – PoE - Retreat Farm – Planning Assessment B

uses its resources – land, people and capital – to produce goods and services. Promoting higher productivity in all economic strategies, including Tourism and Rural Economy Strategies is a key area of focus for the Strategic Plan period.

Tourism

- 3.8** The Island Plan recognises the importance of Tourism under its Economic Policies. See “Visitor Economy”, pages 212-215, and Policy EVE1. Tourism has until relatively recently been an important sector in the island’s economy. Its importance peaked in the 1970’s and 1980’s. Destination Jersey (2015) reports that the number of establishments providing tourism accommodation declined 65% between 1992 and 2014, when there was a decline from 393 to 139 establishments. Accommodation included hotels, guest houses and more recently self-catering accommodation, which were located across the island including countryside and coastal locations. These changes have resulted primarily from the loss of hotels and guest houses. The number of self-catering establishments has remained relatively constant since 1992 (see page 19 of Destination Jersey, included as **Appendix 2**).
- 3.9** An increase in competition from European destinations that are able to offer guaranteed sun, cheaper fares and accommodation for visitors, together with a lack of investment in the industry has resulted in the stagnation of the industry and its decline. This has not been resisted by the island’s government and land-use policies do not presume against the loss of sites that provide tourism accommodation site to other uses (usually for residential use as this attracts a financial premium).
- 3.10** Through the Strategic Plan the States of Jersey are committed to retaining a tourism industry that helps provide a more diverse

AB16 – PoE - Retreat Farm – Planning Assessment B

economy. This is reinforced by the Destination Plan (Nov 2015), which considers the holistic contribution that tourism makes to the island's economy through its hotels, restaurants and transport links. The government's aim is to build a vibrant and sustainable tourism industry that complements Jersey's other industries and remains a valued part of the island's wider economy (Chief Minister's Forward in Destination Jersey).

3.11 The response to this strategic aim has been mixed. Recent development proposals include the provision of 61 self-catering units since 2006 at Les Ormes Resort (<https://www.lesormesjersey.co.uk/>). A new hotel in St Helier (Premier Inn) is nearing completion (planning application ref: P/2014/1497). Planning has also recently been given to provide a new farm-stay unit (planning ref: P/2017/0264). During the same period planning permission has also been given to replace tourism destination (The Living Legend) with housing (planning application ref: P/2016/0712).

3.12 It is considered to be very material to this application that the drivers for development proposals for tourism accommodation and tourism related development are privately driven. The Applications represent a unique opportunity resulting from the common ownership of the Application Sites and adjacent Tamba Park. The package of development proposed supports Tamba Park, and established tourism and leisure destination.

3.13 These aims are reflected in the letter of support provided by [REDACTED] [REDACTED] dated 17th July 2017 attached as **Appendix 3**.

Rural Economy

3.14 The Rural Economy Strategy published February 2017 (RES) provides support for the development proposed (copy included at <https://www.gov.je/SiteCollectionDocuments/Government%20a>

AB16 – PoE - Retreat Farm – Planning Assessment B

[nd%20administration/R%20Rural%20Economy%20Strategy%202017-2021%2020170213KLB.pdf](#)).

- 3.15** The Strategy is recognised by the Island Plan at paragraph 5.149 as being a material consideration in particular circumstances and this Strategy can be a freestanding material consideration in other circumstances. This is because the scope of economic use in Jersey encompasses both agricultural purposes and also touristic purposes. The value of Jersey's countryside as a unique place that encourages tourism and adds value to Jersey as a product is acknowledged in the strategy.
- 3.16** The RES is designed to grow the rural economy in line with objectives of the States Strategic Plan whilst safeguarding Jersey's countryside, its character and the environment.
- 3.17** The future vision of Jersey's rural economy is one of sustainable, diverse businesses, less reliant on financial aid, self-supporting and innovative. The aim is to encourage professional, efficient enterprises with identified business objectives and risk assessments managed under good practice guidelines based on market focused returns. The future direction for rural businesses is one that is not based on a low wage economy and subsidy.
- 3.18** One of the aims of the RES is to support business growth and development (GSA 2); to deliver productivity-led economic growth in the non-financial services sector. Productivity is about how well available resources are used to produce goods and services – it's about finding new and innovative ways to do things better. It is considered that productivity will be the key determinant of the Island's future economic growth, therefore government needs to prioritise actions that will deliver growth allowing the island to generate better returns from its resources:

AB16 – PoE - Retreat Farm – Planning Assessment B

land, labour and capital. It is stated that to achieve this will require a co-ordinated approach.

Replacement of glasshouses

- 3.19** The government approach to the replacement of glasshouse sites is explained in [REDACTED] Proof of Evidence. It is acknowledged in the Island Plan that glasshouse sites are the main source of brownfield land in the island. Jersey does not have a legacy of industrial sites. Rather, glasshouse sites provide such a legacy of brownfield sites.
- 3.20** The re-use of glasshouse sites is consistent with the Island Plan aim of making the best use of previously developed (or brownfield) land. Recent assessment by the States of Jersey Economic Department (Agricultural Statistics, 2016, published January, 2018 and attached to [REDACTED] Proof) confirms the decline of the flower-growing industry and also the lack of investment in new glasshouses in the island. [REDACTED] evidence confirms that many glasshouse sites have already been redeveloped (almost exclusively for housing) and there are two recent examples where large glasshouse sites have been rezoned to provide affordable housing.
- 3.21** The re-use of the largest glasshouse site in the Island for purposes that contribute to the Island's economy and reinstate much of the land and landscape to a more natural state also aligns with the current land-use decision-making framework. The Revised 2011 Island Plan, 2014 ("RIP, 2014") seeks to make the best use of the island's scarcest resource – land and protect and enhance the landscape character of the island. An assessment of the scheme under Island Plan policies is presented in the following sections.
- 3.22** The comments provided by [REDACTED] – Acting Director for Rural Economy in his e-mail dated 15th December 2017

AB16 – PoE - Retreat Farm – Planning Assessment B

(included as **Appendix 4**) confirm that it is his opinion that the development comprised in the two Applications proposed contributes towards the States' strategic ambition to achieve environmentally sustainable, productivity-led economic growth driven by the private sector and its innovation.

3.23 The development proposed presents a unique opportunity as a result of the single control of ownership of the Application Sites and the adjacent Tamba Park by [REDACTED]. The development proposes a balance of development to complement an existing leisure/tourism destination, restoration of agricultural land and to provide a new dwelling following removal of structures that are redundant and have the potential to become even more unsightly, and remediation of Fields M770 and L78 from brownfields to the Island's agricultural land bank, with Field L78 being immediately functional and the balance of the land retaining its remediated potential for actual functional use by being of restored agricultural quality

3.24 It is my opinion that the development proposed by the Applications aligns with government strategic aims. The development proposed seeks to re-use employment land for another employment purpose delivering environmentally sustainable, productivity-led economic growth, together with the delivery of tangible environmental benefits and landscape restoration. The proposal to locate a single dwelling on part of the site; supports this overall objective and is part of the package of measures that enable the sites' contribution towards the island's agricultural, tourism and leisure sectors to be maintained.

AB16 – PoE - Retreat Farm – Planning Assessment B

Supplementary Planning Guidance

- 3.25** Article 6 of the Planning and Building (Jersey), Law 2002 provides the Minister with the ability to publish Supplementary Planning Guidance, which the Minister will take into account when considering a planning application, the extent to which the proposed development complies.
- 3.26** The guidance provided by a number of Supplementary Planning Guidance documents (adopted and draft guidance) has informed the assessment of the Applications. Those judged to be relevant to the assessment of development proposals are considered under the relevant Island Plan topic headings.

AB16 – PoE - Retreat Farm – Planning Assessment B

Island Plan policies

3.27 The Island Plan was adopted in 2011 and revised in 2014 and is referred to as the Revised 2011 Island Plan (2014).. The policies of the RIP 2014 are arranged so that proposals for development require consideration of both strategic and specific policies.

3.28 The RIP, 2014 policies guide the way that land is used. The framework that it provides is based on some key strategic principles, which are set out in strategic policies relating to:

- Sustainable development
- Protection of the Environment
- Economic growth and diversification
- Travel and transport
- Quality of design

Sustainability

3.29 If Jersey is to demonstrate a commitment to an environmental responsibility, it needs to develop a co-ordinated response to current environmental challenges that manages the Island's limited resources – and particularly land and buildings – in the most efficient and effective way that ensures the most sustainable pattern and form of development for the Island (p16 RIP, 2014).

3.30 Although there is a strong presumption against the development of green fields, there is a recognition (p17 RIP,2014) that Island Plan policies need to ensure that they can meet and provide for Jersey's needs over the Plan period – in particular..... to support the maintenance and diversification of the economy. Development, which occurs in a countryside

AB16 – PoE - Retreat Farm – Planning Assessment B

location outside the Built-Up Area, where it is essential and related to, for example, the needs of the rural economy, can be provided for and accommodated, on “brownfield land, which meets an identified need, and where it is appropriate to do so”.

3.31 The RIP, 2014 accepts that the principle of re-using already developed land is a sound one and accords with the principles of sustainable development. Unlike the UK Jersey does not have a stock of outworn and vacant industrial land that is ripe for development. The island a stock of agricultural buildings, such as redundant and derelict glasshouse sites, which may contribute towards the Island’s development needs over the Plan period. Not all brownfield, and in particular, redundant glass, will be suitable for redevelopment. Each site will need to be considered on its merits relative to specific criteria (pg 20 RIP).

3.32 It is noted elsewhere (reasoned justification for Policy NE7 – para. 2.119 of the RIP, 2014) that the island’s countryside is a living landscape providing the location for economic activity as well as locations for residents. It has traditionally played a very important role in the island’s economic and cultural development. It would be wrong to view the island’s countryside as something that should be preserved in aspic, with little capacity to accept change.

3.33 Policy SP1(2) provides for the development of brownfield land, which meets an identified need, and where it is appropriate to do so. There is a need here to find an alternative purpose for the redundant glasshouse sites of Fields M770 and L78, to avoid their deterioration and ultimate decay into dereliction (eyesores), and it is appropriate that the redeveloped uses of self-catering accommodation on Field M770 and a new single dwelling on Field L78, together with a unifying planning obligation to ensure that comprehensive environmental solution

AB16 – PoE - Retreat Farm – Planning Assessment B

for this particular landscape is guaranteed to be delivered and sequentially, be permitted. It is a strategic aim of the island's government to diversify the island's economy and promote and encourage tourism, making the best use of land, whilst protecting environmental assets. The need to support the island's economy is given a high priority by the RIP, 2014 (Policy SP5).

- 3.34** The Built-Up Area boundaries were drawn very tightly as part of the RIP, 2014. This has resulted in a premium being placed on the Built-Up Area for residential development (for which there is an acknowledged housing shortage, latest figures published at <https://www.gov.je/SiteCollectionDocuments/Government%20and%20administration/R%20HousingNeedsSurvey2016to2018%2020161014%20SU.pdf>). Land is one of the island's scarcest resources and the premium that is placed on residential development, causes other uses to be placed at a competitive disadvantage.
- 3.35** It is judged reasonable to expect visitors to want to stay in the asset for which the island is valued. The removal of a semi-industrial agricultural use and its replacement with 27 self-catering lodges, consolidated car-park for an existing tourism facility, reinstatement of agricultural land and single dwelling, restores landscape, quality of land, and improves environmental impacts on surrounding users. The location is judged to be entirely appropriate.
- 3.36** The development proposed meets the need to make the best use of the Island's most scarce resource – land and find alternative uses for redundant glasshouse sites before they become an eyesore, thereby protecting the landscape character of the island, all is in accordance with the purpose of SP1(2).

AB16 – PoE - Retreat Farm – Planning Assessment B

- 3.37** The purpose of the Applications is also to support and complement Tamba Park, an existing tourism facility and to make the most efficient and effective use of land. Policy SP2 requires development proposals to make efficient and effective use of resources. New development is required to secure the highest viable resource efficiency, in terms of the re-use of existing land and buildings, the density of development, the conservation of water resources and energy efficiency.
- 3.38** I consider that the redevelopment of a large brownfield site, adjacent to an important Island leisure/tourism destination to provide visitor accommodation that is intended to complement the adjacent facility, and improve access and service arrangements through the consolidation and improvement of transport facilities, and that makes both efficient and effective use of this large brownfield site, meets this policy test.
- 3.39** Policy SP3 requires a sequential approach to an assessment of development proposals in support of a more sustainable pattern of development and the more efficient and effective use of land, energy and buildings. SP3 also contemplates location of “major” development in certain places and so admits of non-major or small development outside of the hierarchy. In relation to the self-catering accommodation, through paragraph 4 of the policy, the test for proposals for development involving the re-use and/or redevelopment of land and buildings outside the Built-Up Area is based on a hierarchy of priorities in favour of the use within the economic sector for which permission was originally granted, followed by its use in support of the rural economy, with a presumption against its use or redevelopment for other uses.
- 3.40** The Application Sites are previously developed land, no longer fit for purpose in an industry that has declined in the Island (see [REDACTED] PoE). Built for a very specific use, the structures are

AB16 – PoE - Retreat Farm – Planning Assessment B

uneconomic to adapt for an alternative agricultural or horticultural use. A comprehensive marketing strategy has also confirmed that the Island's agriculture industry has no use for the sites (see [REDACTED] PoE). Further, the cessation of use of the permitted southern car park on Field L78 will result in it becoming redundant brownfield land of relatively small size and without a requirement to remediate its ground. An old car park would have no other use here and so the presumption in SP3(4) is rebutted in this case and the redevelopment of this part for a single dwelling is acceptable. On this basis the redevelopment proposed by the Applications is judged to meet the test required by Policy SP3(4).

- 3.41** Such approach to small scale redevelopment is not novel on the Island. The redevelopment of glasshouses to provide a single dwelling has been allowed elsewhere in the Island under the tenure of the RIP,2014 and has been judged as a suitable alternative provided RIP,2014 policy tests have been met. This redevelopment meets the need provided to ensure that glasshouse sites are reused appropriately and do not deteriorate to create eyesores.
- 3.42** The requirement for sustainable principles to inform the design of development proposals is also provided for by Policy GD1. [REDACTED] explains in his proof the measures that have been included to provide development that is sustainable.
- 3.43** Policy NR7 Renewable energy in new developments provides specific guidance about how it is expected that new development should incorporate technology to reduce carbon emissions. The scheme incorporates the technologies explained by [REDACTED] in [REDACTED] PoE. And demonstrates how new development has been designed to meet the criteria of Policy NR7.

AB16 – PoE - Retreat Farm – Planning Assessment B

3.44 It is my opinion, the sustainable objectives of the Island Plan policies have been met by development proposals.

Protection of the island's natural and historic environment

3.45 Policy SP4, supported by policies GD1 General development considerations, GD6 Contaminated land, NE1 Conservation and enhancement of biological diversity, NE2 Species protection, NE3 Wildlife corridors, NE4 Trees, woodland and boundary features, NE7(7), (9)-(11) Green Zone and HE1 Protection Listed Buildings and Places gives a high priority to protecting the island's natural and historic environment. These policies have all been judged as relevant to the assessment of the scheme and a number of reports and assessments address these matters.

3.46 It is also relevant that an EIS has been prepared, explaining the EIA process that has been followed to ensure that the environmental impacts of development proposals are understood. This is explained further under section 4 of my Proof.

3.47 An assessment of Island Plan policies has been prepared by MSPlanning to support both Planning Applications. A number of policies (not all) are highlighted in the following assessment

3.48 *Policy SP4 – Protection of the natural and historic environment gives a high priority to the protection of the Island's natural and historic environment. The protection of the countryside and coastal character types; Jersey's biodiversity; and the Island's heritage assets – its archaeology, historic buildings, structures and places – which contribute to and define its unique character and identity will be key material considerations in the determination of planning applications. The enhancement of biodiversity will also be encouraged.*

AB16 – PoE - Retreat Farm – Planning Assessment B

- 3.49** The Island's coast, countryside and historic environment are what make Jersey unique. The interaction between human and natural influences has created a unique landscape and an historic environment, which is highly distinctive, visually appealing and one of the Island's greatest assets. It provides the community with a living and working environment of great distinction as well as helping to support the economy through agriculture, tourism and recreation. The States has set out to protect and enhance this most valuable asset of the natural and historic environment and the Island Plan seeks to support and facilitate this (para. 2.22 RIP,2014).
- 3.50** The Island Plan seeks to protect the island's countryside for its own inherent scenic value, but also to safeguard and enhance its biodiversity, and to maintain and support the economy. The character of the Island's countryside has been shaped by the factors of geology, landscape, wildlife, culture and history, and land-use and management, which has enabled three coastal and five countryside character types to be identified and defined (Countryside Character Appraisal, 1999, (CCA) published at <https://www.gov.je/PlanningBuilding/LawsRegs/IslandPlan/Background/Pages/CountrysideCharacterAppraisal.aspx>). The Application Sites lie in defined Character Area E6: Central Plateau-Valley Heads (explained in [REDACTED]' Proof and also in the Landscape and Visual Impact Appraisal Chapter of the EIS).
- 3.51** Through the Island Plan policies the Minister seeks to protect the island's countryside from inappropriate and non-essential development. The guiding principle for development in the countryside is a general presumption against development for whatever purpose, except where a countryside location is essential. This presumption operates, with an increasing level

AB16 – PoE - Retreat Farm – Planning Assessment B

of exemption, from the most sensitive and visually unspoilt landscape character.

3.52 More locally, Retreat Farm house has a number of settings of which a subsidiary one is the car park proposed to be shut and redeveloped, following its remediation, for a single dwelling. The Heritage Assessment (September 2017) confirms that the provision of the single story single dwelling will result in a minor positive improvement to the setting of the Grade 3 listed building of the Farm house, and that the removal of the large glasshouse from Field L78 will also be beneficial. Therefore, Policy HE1 would be satisfied because the setting would be improved by the proposals, and this improvement is given, by SP4, “a high priority” in the RIP, 2014.

3.53 *Policy GD1 (2)- General development considerations requires development proposals to not seriously harm the Island’s natural and historic environment, in accord with Policy SP4 – Protecting the natural and historic environment and in particular must not have an unreasonable impact on the character of the countryside, biodiversity (Policy NE1), heritage assets (policy H1) and includes where appropriate measures for the enhancement of such features and the landscaping of the site.*

3.54 This policy provides the more detailed criteria against which all planning applications can be considered. The considerations need to be considered within the context of the strategic policies at the front of the Plan, together with the more specific policies, where relevant, in this or other topic specific chapters, as well as any relevant supplementary planning guidance.

3.55 General development control considerations are summarised around six main themes, which includes ‘Impact on the environment’ and requires applicants to consider what impact does the proposed development have for the surrounding area, neighbouring land and buildings and the site itself, particularly

AB16 – PoE - Retreat Farm – Planning Assessment B

where the location is sensitive because of the quality of the local landscape, or its heritage or wildlife value?

3.56 *Policy NE7 (7), (9)-(11) – Green Zone, designates an area that will be given a high level of protection from development and there will be a general presumption against all forms of development, including but not limited to:*

- *the development of a new dwelling (other than as a replacement under 3 and 10; the provision of new, under 4; or conversion under 9, below);*
- *facilitating a separate household by means of an extension, conversion or new build (other than to meet changing family circumstances under 1c below);*
- *the change of use of land to extend a domestic curtilage;*
- *redevelopment of modern agricultural building(s) involving demolition and replacement with a building(s) for another use, or their conversion to a non-employment use;*
- *redevelopment of glasshouse(s) involving demolition and replacement with a building(s) or conversion for another use, or their conversion to a non-employment use.*

The policy provides for some exceptions that may be permissible, and only where they do not cause serious harm to landscape character:

Employment

7. the redevelopment of an employment building(s), involving demolition and replacement for the same use, but only where;

AB16 – PoE - Retreat Farm – Planning Assessment B

a. an intensification does not create undue noise, disturbance or a significant increase in travel and trip generation; and

b. it gives rise to demonstrable environmental gains, contributing to the repair and restoration of landscape character.

9. the change of use of employment land and buildings (involving conversion of a building) to non-employment uses but only where:

a. the redundancy of employment use is proven in accord with Policy E1: Protection of employment land or where the development involves office or tourism accommodation; and

b. it gives rise to: demonstrable environmental gains, contributing to the repair and restoration of landscape character; reduced intensity of occupation and use; and improved design and appearance of the land and building(s); or

c. it secures a viable alternative use for a traditional farm building in accord with Policy ERE4.

10. the redevelopment of an employment building(s), involving demolition and replacement for another use, but only where:

a. the redundancy of employment use is proven in accord with Policy E1: Protection of employment land or where the development involves office or tourism accommodation;

b. and it gives rise to: demonstrable environmental gains, contributing to the repair and restoration of landscape character; reduced intensity of occupation and use; and improved design and appearance of the land and building(s).

AB16 – PoE - Retreat Farm – Planning Assessment B

11. new cultural and tourism development, but only where it:

a. is appropriate relative to existing buildings and its landscape context; and

b. does not seriously harm landscape character.

3.57 Policy NE7 raises a general presumption against all forms of development in the Green Zone. However, the presumption is to be interpreted in the context of its reasoned justification, and of which paragraph 2.119 notes that “there may be opportunity to secure the repair and restoration of [landscape character] through exceptions where the development of ... land used provide opportunities to repair or reduce their existing harm to landscape character” and that “Development may provide opportunities for public access and enjoyment of the countryside”. In these Applications, the Heritage Assessment (September, 2017) identifies the detrimental effects on the landscape of the presence of the two large glasshouses on Fields M770 and L78. A Field Restoration Works report also explains that the fields are unfit to be agricultural fields due to their compaction by the existing structures and the anaerobic conditions to which the soil below the concrete and compacted hardcore groundscape of the two fields has been subject for decades. The Applications provide the opportunity to repair and restore this existing harm to and damaged landscape. The landscape here has the capacity to accommodate the Application proposals (see the Heritage Assessment).

3.58 The Green Zone includes a number of distinct character areas and the Minister for Planning and Environment must (under GD1(2)(a) and paragraph 2.115) have regard to the supplementary guidance contained in the Countryside Character Appraisal in determining any development proposals in this area. These areas include the interior agricultural land:

AB16 – PoE - Retreat Farm – Planning Assessment B

E6 Central Plateau Valley Heads, in which the Application Site lies.

- 3.59** The CCA informs decisions about the impact of development proposals upon the character of the Island's landscape. The Island Plan also says (para. 2.48) that it will be used, wherever possible to, to link planning permission with measures to protect or enhance the local landscape character. Widespread, incremental enhancements and restorations of landscape character will add to the Island's environmental capital.
- 3.60** The areas defined as Green Zone include those areas that are judged to have an intact character. They comprise an important range of environmental features needing a high level of protection. Those areas of the Island's countryside which are largely distinctive, historic, farmed landscapes and coastal plains are also now included within the Green Zone. This interior agricultural landscape covers the greater part of the plateau. It presents a rich background including an attractive and intricate pattern of small fields, enclosures and lanes, an ecologically rich network of hedgerows, verges and banques, many cultural sites and a wealth of typical Jersey granite vernacular buildings. The ridges and skylines of the plateau are particularly sensitive to the visual impact of development.
- 3.61** There is a general presumption against any development in the Green Zone in order to retain the quality and distinctiveness of the Island's countryside here and to ensure that the distinct character of the zone remains intact. The quality and distinctiveness of the landscape character areas of the Green Zone still makes them sensitive to the effects of intrusive development, whilst having a greater capacity to accept some change.

AB16 – PoE - Retreat Farm – Planning Assessment B

- 3.62** The Green Zone is a living landscape (not a place where nothing happens). It contains a great number and variety of buildings and land uses. Whilst there is a presumption against new uses or buildings that would detract from its landscape character, there may be opportunity to secure its repair and restoration through exceptions where the development of existing buildings or land uses provide opportunities to repair or reduce their existing harm to landscape character.
- 3.63** There is also the need to provide for the reasonable expectations of businesses to undertake economic activity and provide employment, having regard to the capacity of the landscape to accommodate development without causing serious harm.
- 3.64** Policy NE7 sets out a presumption, but not an absolute moratorium against development. The key test is the capacity of the site and its context to accommodate development without serious harm to landscape character. This is the starting point for the consideration of development proposals. A number of (development) express categories may, exceptionally, be considered, including the continued use of employment land for other employment uses. The countryside remains a working environment in many places with uses and buildings performing employment and economic functions.
- 3.65** Policy NE7 recognises that economic growth and diversification are Plan objectives and that Policies SP5, E1 and ERE1 seek to safeguard existing employment land and premises. Accordingly, some development related to employment land use and buildings may be permitted as exceptions to the presumption against development, but only where it does not cause serious harm to landscape character. These exceptions are provided for and include:

AB16 – PoE - Retreat Farm – Planning Assessment B

Paragraph 7 - Redevelopment of existing employment buildings for the same employment use

3.66 The principle of redevelopment, involving demolition and replacement, of existing employment buildings for the same employment use is supported where demonstrable environmental gains can be delivered. Comprehensive proposals can offer the possibility of repairing and restoring landscape character, which might be achieved by environmental gains including some or all of: reduced visual scale, mass and volume of a building; more sensitive and sympathetic siting and design; materials, colours and finishes more sensitive to landscape character.

3.67 Consideration must also be given to the intensity of use and impact of travel, traffic and noise upon the character of the area.

Paragraph 9 - Change of use: conversion to residential or other non-employment use

3.68 There is a general presumption against the loss of employment land and buildings to residential and other non-employment uses and the redevelopment of glasshouses to residential or other non-employment uses is not permitted, Policy ERE7 provides for the redevelopment of glasshouses where the amount of development permitted will be the minimum required to ensure a demonstrable environmental gain.

3.69 However, paragraph 9 permits the change of use of employment land to non-employment uses where two criteria are satisfied: (a) and (b). In relation to (a), proposals are permitted where they involve tourism accommodation, and also where the redundancy of employment use is also proven (under the requirements of Policy E1); and where it delivers demonstrable environmental benefits through reduced intensity

AB16 – PoE - Retreat Farm – Planning Assessment B

of use and visual improvement to the building and its setting. The marketing exercise undertaken by [REDACTED] demonstrates that the employment use of Fields M770 and L78, and their respective accesses including the southern car park, is redundant. The cessation of use by the Tamba Park facility of that car park through its consolidation of car parking (requested by DfI) will also result in the car park becoming redundant. This satisfied paragraph 9(a) in relation to Field L78. Field M770 will be used for tourism accommodation and so satisfied paragraph 9(a).

3.70 In relation to paragraph 9(b), proposals must also give rise to “demonstrable environmental gains”. This policy admits of the situation of the principle of the change of use of the southern car park to use as a single dwelling where, as here, the change generates demonstrable environmental gains. The gains include remediation of the car park land itself to agricultural quality ground, the installation of an historic hedgerow on its northern boundary, the positive improvement to the setting of the the Retreat Farm house listed building from a single storey dwelling in a sympathetic landscape setting, and delivery of the removal of the two glasshouses on Fields M770 and L78 by the dwelling owner, [REDACTED] through a planning obligation agreement together with attendant flooding relief consequences and changed drainage infrastructure. The general presumption of NE7 is therefore rebutted by satisfaction of paragraph 9(b) in this particular case.

3.71 Development proposals also need to deliver other environmental gains such as: enhanced appearance of the building; materials, colours and finishes more sensitive to the character area; and landscaping to enhance and repair the setting of existing buildings.

AB16 – PoE - Retreat Farm – Planning Assessment B

3.72 Careful regard will be given to the visual impacts of required external space, in particular car parking and amenity areas, on landscape character.

Paragraph 10 Redevelopment of existing employment buildings for other employment or non-employment use

3.73 Paragraph 10 reflects paragraph 9 but concerns redevelopment of buildings and so addresses the glasshouses themselves and not other land. For the same reasons as above, paragraph 10 is here satisfied. The principle of allowing the redevelopment, involving demolition and replacement for alternative uses, including other employment uses, of existing employment buildings is supported where significant environmental gains can be delivered. The parts of Fields M770 and L78 on which the glasshouses stand have been proven to be redundant following an iterative marketing exercise, and their removal and the remediation of the land below them to functional and potentially functional agricultural quality land is a demonstrable environmental benefit, along with the repair and restoration of the landscape character by the removal of their large masses from this gently undulating agricultural landscape situation.

3.74 Such proposals will need to satisfy the requirements of Policy E1: *Protection of employment land* in the first instance, and a case made as to why a countryside location is required.

3.75 The Minister acknowledges that managing an exception to a general presumption against any development in the Green Zone is challenging, and that it is important to be clear about the benefits that any such development proposal might bring, and, in this particular Applications, will be guaranteed to be delivered by a planning obligation agreement executed by ■■■
■■■

AB16 – PoE - Retreat Farm – Planning Assessment B

3.76 Comprehensive development considered under this provision offers the reality of repairing and restoring landscape character of the area, and providing comprehensive environmental gains including:

1. **a significant reduction in visual mass, scale and volume** - this might be achieved by a reduction in the mass and scale of buildings in the landscape.
2. opportunities may arise **to remove uncharacteristically large buildings** - from the landscape, through their redevelopment and replacement by smaller buildings, more sympathetic to their locality and its landscape.
3. **a significant reduction in intensity of use** - redevelopment for residential use will be permitted only where the residential yield is extremely limited and secures significant reductions in floorspace and/or occupancy;
4. **sustainability** at a strategic level will be a material consideration and require evidence of how this has been assessed, such as a comparison of reliance on public infrastructure and trip generation;
5. **more sensitive and sympathetic siting and design:** redevelopment offers scope to remedy the harm from poorly sited buildings or those that have become eyesores; proposals must demonstrate a mindful understanding of context, and be respectful of it, especially within sensitive landscape;
6. **a more sensitive use of materials:** this may be achieved by reflecting the distinctiveness of the character area in the proposal's form, materials and finishes, including colour.

3.77 Consideration will also be given to the intensity of use and impact of travel, traffic and noise upon the character of the area. Regard will also be had to enhance public access and to

AB16 – PoE - Retreat Farm – Planning Assessment B

address management threats and priorities for that character area.

- 3.78** The redevelopment of modern agricultural buildings by demolition and replacement for another use will not be supported, since these would have been permitted to meet agricultural need. If no longer so required they should be removed or re-used for agriculture or employment-related uses. Similarly, the redevelopment of glasshouses will not be permitted.

Paragraph 11: Cultural and tourism uses

- 3.79** New or extended cultural and tourism development in the Green Zone needs to be sensitive and proportionate to the fragility and vulnerability of its landscape setting. The Countryside Character Appraisal is a valuable tool, identifying development and management threats to character areas and their capacity for change: it can be used to inform decisions on development proposals. Given the presumption against development in the Green Zone any exceptions related to new or extended cultural and tourism attractions must have limited impact on its relevant landscape character area.

- 3.80** Proposals to extend existing leisure and tourism facilities will be considered as with any other employment use.

Restoration of landscape and visual character

- 3.81** The beneficial impact of development proposals to restore the landscape character of the site and its contribution to the surrounding area are considered in the Landscape and Visual Impact Appraisal included as Chapter 8 in EIS prepared to support the Planning Applications. The restoration of landscape character has been a key design driver, explained by [REDACTED] in Origin Architect's Design Statement and [REDACTED] Proof.

AB16 – PoE - Retreat Farm – Planning Assessment B

- 3.82** The Applications propose the removal of the largest glasshouse structures on the island, which spoil the landscape character (and its local appearance) identified as important in the CCA. The CCA acknowledges that within the Character Area E6, there is some capacity for development (unlike other defined Character Areas). The restoration of land that is suitable for agricultural use restores the natural character of the land as a resource and also the landscape. This is reinforced by the restoration of field boundaries, which contribute to the intricate character provided by the network of hedges that border fields.
- 3.83** Development proposals retain the vast majority of the site in employment use appropriate to the character and context of the area. Field L78 is returned to agricultural land and Field 770 provides a location for consolidated replacement parking for Tamba Park and 27 self-catering lodges and ancillary structures to support the existing Tamba Park leisure/tourism use, provided in a new landscape, which restores the character identified as important in the CCA.
- 3.84** The proposals for the new dwelling on Tamba Park's (proposed redundant and permitted) main car-park are part of the package of proposals, guaranteeing the comprehensive redevelopment of the Application Sites. There is also provision, by Policy ERE7, for the minimum amount of development necessary to ensure demonstrable environmental improvements; an approach and principle that has been accepted on other glasshouse sites in the Island, in sensitive locations. This proposal proposes a significant reduction in mass and volume compared with existing built volume and retains and restores landscape features to complement and enhance the landscape character of the area whilst providing a single dwelling on a brownfield car park, and number of self-catering lodges for

AB16 – PoE - Retreat Farm – Planning Assessment B

touristic accommodation. This is confirmed by the appraisal of Landscape and Visual Character and [REDACTED]' evidence.

3.85 Environmental enhancement and landscape restoration are at the heart of design proposals. It is my opinion that development proposals comply with those Island Plan policies that seek to provide for development proposals that result in the repair and restoration of landscape character of the island's countryside.

Restoration of land quality

3.86 The Applications propose the removal of very large areas of structure, integral infrastructure, compacted ground, hard-standing and potentially (small areas) of contaminated land and their replacement with new material, the quality of which will enable the land to be newly used for cultivation and so restore a large volume and area of land to the Island's agricultural land bank from which it is presently prevented from being part of by the presence of the glasshouses on Fields M770 and L78, together with external impermeable hardstandings. Although identified as agricultural land by the Land Controls Section, the usefulness of the land to agriculture is limited because of the particular specialised horticultural use, which was allowed to take place on the Sites.

3.87 Proposals include the reinstatement of Field L78 to cultivatable, agricultural quality (see [REDACTED] assessment attached to [REDACTED] Proof). Field M770 will also be reinstated to good quality cultivatable agricultural land, with development proposals (the subject of planning application P/2017/1023) introduced to minimise the impact of development proposals. The Applicant has also indicated that he is prepared through a Planning Obligation Agreement to agree to the restoration of the land where the self-catering lodges are proposed to be returned to agricultural use should the tourism use fail.

AB16 – PoE - Retreat Farm – Planning Assessment B

3.88 The restoration of land quality is a key design objective. Development proposals result in the restoration of a significant area of land quality in accordance with the policies of the Island Plan.

3.89 Policy GD6 – Contaminated land requires the potential for contaminated land to enter the waste stream as a result of development proposals. The potential for contaminated land to require a waste stream has been considered as part of the EIS (Chapter 5). A desk-based assessment and intrusive assessment prepared in accordance with Policy WM1 Waste minimisation and new development and SPG Development of potentially contaminated land has identified the potential for contaminated land to effect the island's waste environment. Mitigation measures to ensure that any waste is dealt with in accordance with the island's waste management regulations and standards are explained by Construction and Environmental Management Plans, prepared to support both Planning Applications.

Impact on water resources

3.90 The Application Sites are located in the Water Pollution Safeguard Area of the Island Plan, where Policy NR1 - Protection of water resources, requires development proposals to consider their impact on the Island's ground and surface quality and capacity. Policy NR2 – Water capacity and conservation also requires development proposals to provide adequate water supply and incorporate water conservation measures into proposals. LWM3 Surface water drainage facilities requires development proposals for new development and redevelopment to incorporate Sustainable Drainage Systems (SuDs) into the overall design wherever practicable.

AB16 – PoE - Retreat Farm – Planning Assessment B

- 3.91** The Application Sites are located in a watershed location where surface water feeds valleys further downstream. The Department of Infrastructure expressed concerns about localised flooding resulting from surface water discharge in its consultation comments dated 21st August 2017 in response to Planning Application P/2017/1023. This is from the escape of surface water from the access from La Rue de La Frontiere.
- 3.92** The Applications propose the removal of very large areas of structure, infrastructure, compacted ground, hard-standing and potentially (small areas) of contaminated land and their replacement with new material, the quality of which will enable the land to be used for cultivation. Surface water run-off from both Application Sites is currently permitted to be and is collected and stored in the reservoir/pond located to the north of the site. Water is also used for irrigation on the Tamba Park site. Overflow is controlled and attenuated so that run-off rates into the stream to the north are managed.
- 3.93** The development proposals, which reinstate Fields M770 and L78 to a natural and permeable state will allow surface water to naturally percolate through the ground of the Application Sites and so reach the Island's groundwaters. Rainwater will also be attenuated by grass roofs to the development units and the dwelling, and otherwise also be collected and continue to be stored in the reservoir/pond, with (a proposed considerably reduced) overflow rate to the stream still attenuated and controlled as it currently is.
- 3.94** Development proposals also provide for on-site measures to minimise the escape of surface water from the site onto La Rue de La Frontiere and prevent the occurrence of localised flooding from the existing permitted development, and instead retain surface water on site.

AB16 – PoE - Retreat Farm – Planning Assessment B

3.95 Protection of the island's ground and surface waters, by transformation of the Application Sites from impermeable to permeable ground, is a key design consideration and development proposals have been refined to respond to the concerns raised by the Department for Infrastructure – Operations. Development proposals result in the restoration of a significant area of land to a natural and permeable quality, which will allow surface water to percolate naturally into the ground and minimise escape from the Sites in accordance with the policies of the Island Plan.

Impact on natural environment

3.96 The assessments provided by Nurture Ecology (public inquiry document refs: AE05, AW05 and AW06) explain the impact of development proposed upon the island's biodiversity, and confirm that through the mitigation measures proposed there will be an enhancement as required by Policies SP4, NE1 and protection as required by policies NE2 and NE3.

3.97 The protection of the Island's natural environment and the enhancement of biodiversity has also been a key consideration in the development proposals and is here satisfied. Accordingly, the Island Plan requirement to enhance biodiversity has been met.

3.98 A key matter that has been highlighted by the assessments undertaken is the low value that the core (development) areas of the Sites have presently for ecology and the potential for significant enhancement to result from development proposals where the Sites become, as proposed, naturalistic.

3.99 Policy NE4 – trees, woodland and boundary features protects banques and hedgerows, which are of biodiversity value. There is also a requirement to adequately provide for the appropriate landscaping of application sites, including the retention of

AB16 – PoE - Retreat Farm – Planning Assessment B

existing trees and hedgerows , and as appropriate the provision of new planting. The proposals to provide new bus stops (and associated shelter) thereby increasing the potential for visitors to use sustainable transport modes results in the loss of some mature landscape feature along the north-west boundary of Field M772.

3.100 The potential for this development to have an adverse effect upon protected ecological assets has been assessed by Nurture Ecology (public inquiry document AW06) and the need for further assessment prior to the felling of any trees has been identified. It has been confirmed through consultation comments provided by the Natural Environment Team dated January 2018 that this does not preclude the acceptability of development proposed, provided that the further assessment identified is undertaken as recommended (by Nurture Ecology) and the overall landscaping proposed by the Applications, which will result in significant opportunities for enhancing local biodiversity, are secured.

3.101 It is further acknowledged that a detailed landscaping scheme, informed by measures to enhance the contribution of landscaping to local biodiversity, will be prepared subject to the grant of any planning permission. It is expected that the implementation of an approved landscaping scheme will be controlled through a Planning Obligation Agreement.

3.102 This all supports the purpose of Policy SP4 and supporting policies and demonstrates compliance with their purpose. SP4 reinforces that a “high priority” be given to such enhancements.

Impact on historic environment

3.103 There are no identified heritage assets present on either Application Site. The requirement to consider whether the setting of Listed Buildings located within the vicinity of the

AB16 – PoE - Retreat Farm – Planning Assessment B

Application Sites is triggered by Policy HE1 – Protecting Listed building and places.

- 3.104** An assessment of the impact of development proposals upon the setting of Listed Buildings located in the surrounding area was prepared by MSPlanning to support both Planning Applications (public inquiry document AB03). The conclusions of the assessment report are that the Application Sites have the capacity to accommodate change without harming the setting of any Listed Building. In particular, the setting of the Grade 3 Listed Building Retreat Farm house is assessed in the Heritage Assessment (September 2017) as being positively improved by the provision of a single storey dwelling in an appropriately natural landscape setting, and removal of the permitted southern car park and reduction from its intense existing use to a low key single residence. On this basis it is considered that the requirements of Policy HE1 have been satisfied and an enhancement of the historic environment will result from the proposals. SP4 reinforces that a “high priority” be given to such enhancements.

Impact on waste management

- 3.105** Through policies GD6 Contaminated land, WM1 Waste minimisation and new development, LWM1 Liquid waste minimisation and new development, and LWM2 Foul sewerage facilities, there is a requirement for planning applications to demonstrate how the impacts of waste arising from development activity has been assessed and considered. Island Plan policies seek to reduce waste arisings, ensure that any potentially contaminated material is managed appropriately, and that liquid waste and water can be managed without causing an adverse impact on the island’s land and water resources.

AB16 – PoE - Retreat Farm – Planning Assessment B

- 3.106** The potential for contaminated land to require a waste stream has been considered as part of the EIS (Chapter 5) and the mitigation measures proposed to explain how it is proposed to manage contaminated material is explained in paragraph 3.86 above.
- 3.107** Site Waste Management Plans have been prepared by [REDACTED] for both applications and explain how waste will be managed to reduce the potential for it to be directed to landfill and maximise the potential for the recycling and reuse of materials generated by the development process.
- 3.108** Responding to an objection raised after validation by Dfl Operations – Drainage Section (dated 21st August 2017), the Application proposals propose to remove the existing foul drain connection from the existing glasshouse on Field M770 and a new private foul drainage connection is now proposed to serve the self-catering development, to connect with the public foul drainage system in La Rue des Buttes to the north. Dfl Operations – Drainage Section has confirmed (letter dated 4th January 2018) that it now has no objections to Planning Application P/2017/1023 on the basis of these arrangements. No objections to Planning Application P/2017/0805 have been raised by Dfl Operations on the basis of foul sewerage disposal arrangements.
- 3.109** This demonstrates compliance with these Island Plan policies and their purpose. SP2 reinforces that efficient and effective use of land be achieved and this is so with these proposals at the Application Sites.

Maintenance and diversification of the island's economy

- 3.110** Policy SP5 gives a high priority to the maintenance and diversification of the Island's economy and is supported by policies GD1 General development considerations, NE7 Green

AB16 – PoE - Retreat Farm – Planning Assessment B

Zone, E1 Protection of employment land, ERE7 Derelict and redundant glasshouses and EVE1 Visitor accommodation, tourism and cultural attractions. The purpose of the Applications is to retain the majority of the site in employment use and replace structures that have the potential to become eyesores, with development that makes the best of land in accordance with the balance of policy requirements that seek to enhance the island's environment and restore landscape character.

- 3.111** One of the purposes of the Island Plan is to create the conditions where existing businesses in all sectors can survive and ultimately thrive (para. 2.35). It is recognised (para. 2.36) that the planning system can contribute towards this objective in particular, by protecting and facilitating the use of land in support of economic activity. It is acknowledged that land for employment-related use is constrained and has to compete to compete with the pressure for residential development in the Built-Up Areas.
- 3.112** Para. 2.36 of the Island Plan goes on to confirm that there is pressure to redevelop brownfield sites in the countryside for residential use, whilst at the same time there is a shortage of sites available for new business development; the implication being that brownfield sites in the countryside are appropriate sites for employment use (where all Island Plan policies are complied with).
- 3.113** The availability of employment land is vital to the sustainability of the Island's economy and it is important that employment land is protected (para. 2.36). The tourism sector is judged to be important to the economy (para.2.37) having the ability to contribute towards other aspects of the quality of island life.
- 3.114** Paras. 5.169 – 5.176 of the Island Plan provide a useful reference to understanding the approach to new tourism

AB16 – PoE - Retreat Farm – Planning Assessment B

development. It is stated that a strong and high quality visitor product is a key ingredient of a successful tourist destination. In order for Jersey to compete in the future, it will have to ensure that its product grows and changes to meet different expectations. The Island Plan has a role to play by supporting and enabling the tourism industry to compete sustainably to the benefit of the Island.

3.115 For tourism to be able to compete successfully, the industry needs to respond to ever-increasing consumer expectations and the needs of its target markets. Jersey will find it hard to compete effectively in the market place with its existing accommodation stock if it is not sufficiently diverse or modern in the facilities it provides.

3.116 Due to the lack of protection against the loss of touristic accommodation to housing under the Island Plan, there is a need to consider the provision of new hotels, guest houses, self-catering and camping sites during the Plan period. The tourism industry has suffered the loss of almost a third of its hotel stock since the mid-1980s from competing land-uses. There is concern in the industry that this loss cannot be sustained indefinitely and that, if the industry is to address the decline in existing markets and compete for a share of new markets, the quantity, range and quality of accommodation needs to be addressed.

3.117 The Minister recognises the dilemma between policies to protect and enhance the countryside and policies which seek to facilitate developments in the tourism industry to enable visitors to enjoy our unique environment. However, that dilemma can be resolved within the policies set out if proposals for new tourist related accommodation recognise the sensitivity of the areas covered by policies for the countryside.

AB16 – PoE - Retreat Farm – Planning Assessment B

3.118 The Minister has set out the criteria for development in the countryside and the presumptions against development, including those related to tourism, exist to protect and maintain those areas.

3.119 The ability of an existing attraction to upgrade, re-invent itself or extend its operation is important to the continued viability of that attraction and the overall success of the visitor destination. The Minister will consider proposals for new or extended tourism and cultural attractions in accordance with the advice appropriate to the zoning of the site. Where there is a presumption against development, the Planning and Environment Minister will require clear evidence of the benefits of the proposals and how the development will enhance, or mitigate, the impact on the location.

3.120 The bar to providing new tourism related development in the countryside is high. The development proposed by planning application P/2017/1023 supports the existing Tamba Park facility (explained by [REDACTED]). The benefits of the proposals derive from:

- The creation of new self-catering accommodation to add to the stock of visitor accommodation and help to reverse the decline that has been experienced in recent years.
- The creation of a consolidated car-park for Tamba Park, removes the use of a parish green lane by Tamba Park customers and instead concentrates vehicle access in one location, supported by changes to increase opportunities for sustainable transport choices by visitors.
- The restoration of the landscape character through the removal of two very large structures and their replacement with a more open landscape, dominated by

AB16 – PoE - Retreat Farm – Planning Assessment B

planting and the strengthening and reinstating of field boundaries.

- The restoration of land back to a high quality, natural state allowing it to be used for agricultural and provide natural attenuation for rainfall.

3.121 On this basis it is judged that the policy tests of Policy EVE1 are addressed and met.

3.122 Notwithstanding the policy presumption against the redevelopment of glasshouses provided by NE7, Policy ERE7 provides for the redevelopment of glasshouse sites in exceptional circumstances. The development of redundant and derelict glasshouse sites may be considered for non-agricultural purposes, provided that the amount of development permitted is the minimum required to ensure a demonstrable environmental improvement of the site by the removal of the glasshouses and any contaminated material, and accords with Policy GD1 – General development considerations.

3.123 Any development of a glasshouse site will be considered on the planning merits of each individual site. If development is allowed, it will be limited to development with a value commensurate with the costs of removing the glasshouses and restoring most of the land to agricultural use.

3.124 The marketing exercise completed by CBRE and reported by ██████████ in ██████ Proof confirms the redundancy of the site to the horticulture industry. Evidence provided by ██████████ ██████████ and comments provided by ██████████ (Appendix 4) and ██████████ (attached to ██████████ Proof) confirm that there is no alternative horticultural user for the glasshouses in their current or adapted form.

3.125 The costs of removing the glasshouses and restoring the land have been estimated by Estimating Services Ltd (attached to

AB16 – PoE - Retreat Farm – Planning Assessment B

██████████ Proof). ██████████ provides an opinion that these costs prevent a viable reuse for agriculture.

- 3.126** There is significant value to the island in replacing the existing redundant glasshouse structures that have the potential to become an eyesore, with a restored landscape and land quality, having the potential to enhance local biodiversity. There is an added benefit that these changes provide a continued employment use for most of the site.
- 3.127** The introduction of a new dwelling on that part of the site where the main Tamba car-park is located results in an enhanced setting for the adjacent building group, which includes Listed Buildings. It enables the restoration of Field L78 to agriculture and enhances landscape character through the reinforcement of existing and historical field boundaries and the introduction of new planting, with the added benefit of enhancing opportunities for local biodiversity. The cessation of the permitted use of, and the removal of the Tamba Park car-park from La Rue des Varvots, a designated ‘green lane’ where vehicles are supposed to give priority to pedestrians, cyclists and horse-riders, restores its peaceful and tranquil character through the removal of a large number of vehicle trips. This is also a demonstrable environmental benefit in relation to actual use and users of the Green Lane in this location.
- 3.128** The redevelopment of glasshouse sites for residential purposes, under the current Island Plan policies has been approved elsewhere in the island (see ██████████ Proof).
- 3.129** The potential for contaminated land to enter the island’s waste stream has been considered under paragraph 3.86.
- 3.130** The policy tests of policy GD1 are considered separately in this Proof.

AB16 – PoE - Retreat Farm – Planning Assessment B

- 3.131** Where glasshouses are no longer viable to the horticulture industry and a 'disuse and disrepair' condition is attached to the planning permission, then the landowner will be required to comply with the condition.
- 3.132** The glasshouses the subject of the Planning Applications were built for a particular specific purpose, including the semi-industrial uses described by [REDACTED] in [REDACTED] Proof. The entire Application Sites are either covered with concrete or have ground that has been provided with services and infrastructure and modified through the introduction of hard-core.
- 3.133** The reasonableness of the condition attached to the eastern glasshouse block is addressed by [REDACTED] in [REDACTED] Proof.
- 3.134** On the basis of the assessment undertaken, I consider that the tests of policy ERE7 have been met and the Applications propose development that is the minimum required to ensure a demonstrable environmental improvement of the site, and meeting the policy tests required by policy GD1.

Travel and Transport

- 3.135** Policy SP6 requires applications to demonstrate that they reduce dependence on the private car by providing more environmentally-friendly modes of transport. This aim is supported by the transport policies of the Island Plan. Those judged to be relevant to the assessment of development proposals include policies GD1 General development considerations, TT2 Footpath provision and enhancement and walking routes, TT4 Cycle parking, TT5 Road Safety, TT7 Better public transport, TT8 Access to public transport, TT9 Travel plans, TT12 Parking provision outside St Helier.
- 3.136** A Transport Assessment prepared jointly by ARUP and KEPlanning assessed the traffic effects of development

AB16 – PoE - Retreat Farm – Planning Assessment B

proposed by Planning Application P/2017/1023 and also proposed a Travel Action Plan. A Transport Statement prepared by KEPlanning assessed the traffic effects of development proposed by Planning Application P/2017/0805. The findings of these assessments were also presented in Chapter 9 of the EIS prepared to support the Planning Applications and are addressed further by ██████ in ██████ Proof.

3.137 As a result of iterative consultation comments made by the Department for infrastructure – Highways, the plans presented to support the Planning Applications have been refined. These refinements respond to objections from DfI Highways (comments dated 17th August 2017 for P/2017/1023 and 31st October 2017 for P/2017/0805) to both Applications and subsequently to requests for more refined information to support Planning Application P/2017/1023. DfI Highways now have no objection to either Planning Application.

3.138 ██████ confirms in ██████ Proof that the mitigation measures and significant benefits that, once implemented (should planning permission be granted for both Applications), will allow for the successful access by sustainable mode choice for the proposed scheme. ██████ concludes that, on completion of the Application scheme, there will be no adverse effect on the local highway network (whereas by contrast, the current use of the southern car park impacts upon use of the Green Lane by reason of many car trips and also intensity of its use in that location). Rather, impact on local residents will be that of significant betterment over the existing situation on a range of indicators.

3.139 Policy TT12 Parking provision outside St Helier requires commercial visitor attractions outside St Helier to satisfactorily accommodate their peak demand, particularly where overspill parking is likely to cause safety problems on the adjacent

AB16 – PoE - Retreat Farm – Planning Assessment B

highways or visual intrusion in the countryside. Proposals for new car parks will be assessed on their merits.

3.140 Policy TT12 only permits proposals for new car parks *outside* St Helier where there is an established demand *and* the environmental capacity exists to accommodate the proposal; and where provision has been made to encourage travel by modes other than the private car. In all cases, where the case for additional car parking is accepted, a high standard of design will be required with regard to materials, boundary treatments, surfaces, signing and landscaping in accord with Policy GD1 General development considerations. In particular, new car park facilities will be required to incorporate sustainable drainage systems to promote infiltration.

3.141 The demand for parking to serve Tamba Park is both permitted and established and the new consolidated car-park is proposed on existing employment land replacing redundant structures that have the potential to become eye-sores, with a car-park designed to restore the landscape character of the area through the careful choice of high quality surface and other materials and introduction of significant new landscaping, as well as restoring the environmental quality of the Green Lane as a highway giving priority not to vehicles but to pedestrian, cycle, and rider users of that highway. The restoration of ground conditions provides for the introduction of a sustainable drainage system to promote infiltration to ground and measures are incorporated to reduce the potential for surface water to escape from the site onto the adjacent public highway.

3.142 Through the implementation of comprehensive mitigation measures proposed through the full assessment of transport impacts (Transport Assessment) and Travel Plan, the development includes measures that provide for more environmentally-friendly modes of transport. These include:

AB16 – PoE - Retreat Farm – Planning Assessment B

- Two new bus stops to serve the dedicated Tamba park entrance.
- The widening of La Rue de La Frontiere to provide for two busses to pass in that location and the new bus access with a safe pedestrian crossing.
- The provision of a new bus shelter.
- The provision of safe pedestrian access from the new bus stops to the entrance of Tamba Park.

3.143 I consider that these measures will reduce dependence on the private car in accordance with the requirements of Island Plan policies. It is my opinion also that the proposed development accords with relevant Island Plan policies in respect of transport considerations.

Design quality

3.144 Policy SP7 requires all development to be of high design quality that maintains and enhances the character and appearance of the area of Jersey in which it is located through the consideration of key design components to ensure that it makes a positive contribution to identified design objectives. Applications are required where appropriate to be accompanied by a Design Statement. Such a statement accompanies the application.

3.145 This strategic policy is supported by a number of specific Island Plan policies and Supplementary Planning Guidance. Policies GD1 General development considerations and GD7 Design quality provide design guidance relevant to the assessment of proposals. The design response to the scheme is explained in the Design Statement prepared by Origin Architects to support the planning application and further by [REDACTED] Proof. The

AB16 – PoE - Retreat Farm – Planning Assessment B

consideration of Island Plan policies also explained by [REDACTED] and summarised here.

3.146 The consideration of design matters for new development relates to a request for all Matters: External Appearance and Materials and Landscape’) to siting, scale and mass, access, external appearance and materials and landscaping. The Design Statement prepared by Origin Architects submitted with the planning application, and further explained by [REDACTED]’ Proof explains how the design objectives identified in policies SP7, GD1 and GD7 have been addressed through the design process. Consideration is also given to the requirement of policy NE7 Green zone for the protection of landscape character is a key consideration.

3.147 An appraisal of landscape character is provided in the EIS (Chapter 8). The Application Sites lie in defined Character Area E6: Central Plateau-Valley Heads where the Character Appraisal of the Type and Area in the vicinity of the Site can be summarised as:

- Relatively high landform forming watershed;
- Gently undulating and open landform;
- Sense of ‘openness’;
- Intimate landscape of small rectangular fields;
- Intricate and dense hedgerow network;
- Small fields enclosed by mixed hedges of elm scrub, hazel, field maple, oak, blackthorn and hawthorn;
- Patchwork mix of arable and pasture;
- Artificial reservoirs;
- Settlements in clusters;

AB16 – PoE - Retreat Farm – Planning Assessment B

- The hedgerow network has potential as a key environmental asset;
- Restoration of hedgerow network is a priority;
- Some, but limited, capacity for development;
- Where development is permitted, opportunities for environmental enhancement and measures should be taken.

3.148 An explanation of how the design of development proposals has responded to these criteria is provided by [REDACTED] in [REDACTED] Proof. The Applications propose the removal of the largest glasshouse structures in the island and their replacement with a new landscape, which includes features that are identified as important criteria in the CCA for this Character Type. Specifically new features include:

- a) The restoration of open land for agriculture.
- b) The restoration and reinforcement of field boundaries with planting designed to increase opportunities for local biodiversity.
- c) The insertion of replacement structures, which have a footprint and volume that are significantly less than the existing glasshouses, within a new landscape, where openness framed by structural planting will be the dominant landscape feature.

3.149 The design of proposed new structures is explained by [REDACTED] [REDACTED] in [REDACTED] Proof. These are very well and thoughtfully designed to produce a high quality scheme. The Application proposals have been designed to have a light-touch on the ground and the surrounding environment. A landscape strategy has been included with the Applications (further illustrated by the drawings included with [REDACTED]' Proof). It is proposed that a detailed landscape scheme for the Applications will be

AB16 – PoE - Retreat Farm – Planning Assessment B

prepared, agreed with the Department for the Environment and implemented prior to the first use of any development that might be permitted and controlled through a condition of any planning permission should it be granted.

- 3.150** On the basis of the design measures included with the Applications and subject to the further provision of a detailed landscaping scheme, with information to explain how the scheme will be implemented and managed to be a condition of any planning permission should it be granted, the development proposed results in a thoughtful and carefully considered design response to restore the landscape character of the site to meet the design criteria of policies. It is my opinion that the inclusion of design mitigation measures explained by the Design Statement and [REDACTED] delivers a high quality design that responds to the policy requirement to make a positive contribution to the identified design objectives and high quality design criteria set by the Island Plan.

Other considerations

- 3.151** Other topic areas covered by specific policies of the Island Plan (and Supplementary Planning Guidance where approved) are addressed in the following section.

Impact on neighbours

- 3.152** The impact of the development upon neighbouring land and users through the demolition and construction phases and also the completion of development proposals has been considered and assessed through design and assessment processes, including EIA. Adverse effects during the demolition/construction phases are unavoidable; these effects will be avoided or reduced to reasonable levels where possible through mitigation measures explained by a Construction and

AB16 – PoE - Retreat Farm – Planning Assessment B

Environmental Management Plan (CEMPs have been submitted for both Applications). It is anticipated that these Plans will be secured by planning conditions to provide an appropriate framework within which the details of the proposed execution of the proposal can be worked out.

3.153 The potential for changes resulting from the completed development to result in effects that cause the amenities enjoyed by neighbouring users to be unreasonably harmed (as required by Policy GD1) has been considered and assessed through a number of assessments undertaken to support the design and EIA process.

3.154 Responding to comments made by neighbours and users of the surrounding area, the effect of development proposals resulting from emissions or effluents to air, land, buildings and water including light, noise, vibration, dust, odour, fumes, electro-magnetic fields upon the health, safety and environment of neighbours has been considered.

3.155 The effects of potentially harmful effluents and emissions upon the island's environment and the amenities of neighbours has been assessed as part of proposals for development under a number of environmental topic aspects: light, noise, vibration and air quality. These are addressed in the EIS, supported by an appraisal of light impacts prepared by Jersey Energy (AB02), Construction and Environmental Management Plans prepared for both Applications (public inquiry documents AE02 and AW14).

Light

3.156 Concern has been expressed by neighbours about the amount of light that might escape from operational development should planning permission be granted. The existing glasshouses generated during their operation significant light through their

AB16 – PoE - Retreat Farm – Planning Assessment B

glass roofs and sides, and sky glow and glare, and made this dark part of the Island very bright at night (and during its 24/7 operations). The appraisal by Jersey Energy of the lighting strategy (Origin Architecture Studio drawing No P170003-140, Revision O2) prepared to support Planning Application P/2017/1023 makes the following observations:

- a) One large glass house (ie the combined glasshouse on Fields M770 and L78) will be demolished and removed and reinstated to become a field, which will significantly reduce the artificial lighting impact of the site.
- b) Neighbouring property and wild life will benefit from significantly reduced sky glow, glare and light trespass.

3.157 No unreasonably harmful effects from light pollution are identified as a result of development proposals.

Noise

3.158 Neighbours have raised concern about the potential for adverse noise effects to arise from the operational use of Planning Application P/2017/1023. An appraisal of noise impacts has been prepared as part of the EIS (Chapter 7) and responds to Environmental Health comments provided 7th August and 25th October 2017 which raise no objection to the self-catering proposal.

3.159 It appears that neighbours concerns about harmful noise effects result from the existing use of Tamba Park, in particular the dinosaur trail. The appraisal presented in the EIS explains how the effects of noise from the use of Tamba Park have been mitigated to address the conditions of planning permission P/2016/0503, which seek to control noise emissions from the use of Tamba Park.

AB16 – PoE - Retreat Farm – Planning Assessment B

3.160 The EIS explains how noise effects from the construction phase will be mitigated through the implementation of the measures proposed by the Construction and Environmental Management Plans.

3.161 The EIS also explains how noise effects from the operational use of the self-catering development and new car-park will be mitigated. These include:

- a) The design of the scheme includes providing new landscaped buffers around the boundaries of the site and significant internal planting to provide internal boundaries.
- b) Noise generation from the self-catering lodges will be carefully monitored and managed to reinforce its character as a peaceful, family holiday destination. Visitors will be required to sign a contract when booking accommodation to confirm that they will occupy the lodges in accordance with measures specified to avoid adverse noise effects. A review of terms and conditions for other tourism (example for Centre Parcs provided as **Appendix 5**) confirms that this is normal practice.
- c) No externally audible equipment will be provided at the site.
- d) The arrangement of uses on the site will be carefully organised to ensure that the requirements of condition No.3 of planning permission P/2016/0503 can also be achieved for the development proposed. The applicant is happy for this to be a requirement of any planning permission.
- e) The design of the new car-park will include measures to introduce acoustic barriers between the car-park and the nearest residential property, No.5 Retreat Farm. These include a new landscape buffer and acoustic screen.

AB16 – PoE - Retreat Farm – Planning Assessment B

Vibration and Air Quality

3.162 The potential for unreasonably harmful effects to result from the operational phase of development proposals has been considered in the EIS. Mitigation measures to manage any effects are proposed through the Construction and Environmental Management Plans that have been prepared to support both Applications.

3.163 It is my opinion that the findings of these assessments enable the effects of development proposals upon neighbours are reasonable, as required by the tests of Policy GD1.

Designing out Crime

3.164 Policy GD1 also requires consideration of the need to design out crime. A Crime Impact Statement prepared by MSPlanning to support Planning Application P/2017/1023 confirms that the development proposed has a low potential to encourage crime and anti-social behaviour. The Statement also explains how mitigation measures have been incorporated into the scheme to address Secure By Design Principles.

3.165 On the basis of this assessment the requirements of Policy GD1 have been met.

Percentage for Art

33.166 Policy GD8 Percentage for Art is voluntary policy and encourages new development to incorporate public art. Art has the potential to enhance the environment provided by the new development. A scheme to integrate art into the new development is explained by ██████████ in his Proof. This will be presented, having regard to SPG Advice Note 3 – Percentage for Art (2008). On this basis it is my opinion that the development complies with this policy.

AB16 – PoE - Retreat Farm – Planning Assessment B

Planning Obligation Agreement

3.166 Policy GD4 Planning obligations supported by SPG: Planning Obligation Agreements (July 2017) sets out the Minister's approach to requiring Planning Obligation Agreements (POA) as part of proposals for development.

3.167 The provision for POAs to be used to ensure the removal of horticultural structures should they become redundant is anticipated by Policy ERE6 Agricultural buildings, extensions and horticultural structures.

3.168 A POA is proposed to provide for:

- i) the vehicle access, highway and public transport improvements proposed by Planning Application P/2017/1023;
- ii) the foul drainage connection required to serve the self-catering accommodation proposed by Planning Application P/2017/1023;
- iii) the sequence of development to provide for the consolidated Tamba Park car-park in advance of any development for the new dwelling proposed by Planning Application P/2017/0805, should it be granted;
- iv) the return of that part of Field M770 occupied by self-catering lodges to agriculture should the tourism use fail.

4 Environmental Impact Assessment

Introduction

- 4.1** The need to undertake an Environmental Impact Assessment is prescribed under Article 13(2) of the Planning and Building (Jersey) Law 2002 (as amended, 1st January 2017) (“the Planning Law”). This requires that the application for planning permission not be determined until an environmental impact statement (an “EIS”) has been provided and taken account of in the determination of the application.
- 4.2** Article 13(4) and (5) mandate the particulars required to be contained in an EIS and the classes of development be defined by the Minister. These are defined these under the Planning and Building (Environmental Impact Statement) (Jersey), Order 2006 (the EIA Order), in particular, by Article 2(1), and Schedule 1, and Column 1, Row 11, Other Projects, Row 11(1) “the construction of a holiday village or hotel complex and associated developments in rural areas’.
- 4.3** The proposed development is classified as a tourism facility that falls under this definition. The qualifying criteria for projects, which determines whether the project is an EIA development and therefore requiring the preparation of an EIS, is the site area exceeds 0.5 hectares.
- 4.4** Although the proposed tourism development exceeds this threshold, pre-application advice received by the Applicant and his planning consultant [REDACTED] [REDACTED] encouraged an understanding that an EIA would not be needed to support a planning application.
- 4.5** A request for an EIA to support Planning Application P/2017/1023 (which included the proposals for the tourism accommodation) and also Planning Application P/2017/0805

AB16 – PoE - Retreat Farm – Planning Assessment B

was made by the Director of Development Control on 9th August 2017 after the Planning Applications had been accepted and validated.

- 4.6** An EIA was subsequently completed and an EIS prepared by KEPlanning in October 2017, supported by a number of assessments that had already been prepared for the Applications.

Design development

- 4.7** This sequencing of the EIA process resulted in Statutory Consultation comments being used to scope assessment requirements. A number of assessments had already been prepared and were carried through to support the final EIS.
- 4.8** The design of development proposals responded in particular to objections from DfI Operations – Drainage and DfI – Highways to both Applications. The refinements and changes to plans has resulted from this process, which would normally be part of the Scoping process, which supports an EIA.
- 4.9** As a result of the sequencing of the EIA requirement and the urgency (by the DoE) for its production the EIS seeks to identify the potential environmental impacts of the project, both positive and negative, and explain how any potential harmful effects will be mitigated. A statement of significance is provided where possible by expert opinion.
- 4.10** Responding to the timescales set by the planning process; using professional judgement KEP took a professional view that the EIA process for development proposals will rely primarily on assessments already undertaken to support planning applications P/2017/0805 and P/2017/1023.

AB16 – PoE - Retreat Farm – Planning Assessment B

Mitigation

4.11 The identification of potentially significant effects as a result of the EIA process does not prevent planning permission being granted for a proposed development. Mitigation measures can be formulated to address effects, in particular, adverse effects.

4.12 Mitigation measures can be proposed through the design of the scheme itself or through assessment processes that recommend measures to address concerns. For example, a Construction and Environmental Management proposes mitigation measures to reduce the potential for adverse effects from the operational phases of development.

EIA Guidance and Methods

4.13 The EIA process requires the effects (positive and negative) of development proposals upon surrounding environmental features to be identified and evaluated. Guidance about assessment methods is available from a number of sources. It is acknowledged that there are subject specific guides about the assessment of significance; the primary sources used to guide this assessment are:

- The States of Jersey Planning Department SPG Note 18: Environmental Impact Assessment, July 2011
- IEMA (2011) 'The State of Environmental Impact Assessment in the UK'

4.14 The approach take to the assessment is explained in Chapter 2 of the EIS.

EIA

4.15 The objective of the EIA prepared to support both Planning Applications has been to identify the environmental impacts of

AB16 – PoE - Retreat Farm – Planning Assessment B

development are understood so that a comprehensive planning and solution for both parts of the site may be considered as part of the decision making process.

5 Material considerations

- 5.1** In determining planning applications for planning permission, the Minister for Planning and Environment is required to take into account all material considerations. The policies of the Island Plan are a primary consideration and Article 19(2) of the Planning and Jersey Law 2002 identifies that all development should be in accordance “with the Island Plan” unless there is sufficient justification for granting planning permission that is inconsistent with the Plan. The Article implicitly requires an overall balance of different policies to be drawn.
- 5.2** The need for the development responds to the purpose of the Island Plan policies to make the best use of land, restore landscape character, protect land for employment uses and provide for new development proposals where it can be demonstrated that they meet the tests of Island Plan policies.
- 5.3** The development proposed by the Applications represent a unique opportunity to realise both strategic and specific policy aims. The package of measures proposed retain the majority of the site in employment use, restore landscape character and provide for the minimum amount of development to replace the eastern glasshouse block, whilst ensuring demonstrable environmental improvements.
- 5.4** It is considered that the development is provided in accordance with strategic policies.
- 5.5** The policy tests of the Island Plan have been addressed and are complied with in most regards.
- 5.6** On the basis of the mitigation measures that are included with the proposal, it is my opinion that there is sufficient justification for the Minister to allow the approval of planning permission of both Planning Applications, subject to a POA to secure the

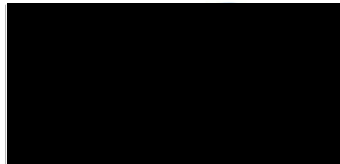
AB16 – PoE - Retreat Farm – Planning Assessment B

environmental benefits that have been identified and are proposed by this project.

The facts stated in this witness statement are true and the opinions expressed are my professional opinions.

Name: Stephanie Steedman

Signed:



Date: 1st February 2018