



PLÉMONT BAY HOLIDAY VILLAGE
ST. OUEN, JERSEY

Plémont Public Inquiry

WITNESS
STATEMENT

- of -

Michel Ragody Hughes

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August 2012

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Summary Witness Statement of Michel Hughes

Summary

1. My name is Michel Ragody Hughes. My expertise includes undertaking Environmental Impact Assessments and Environmental Statements, Ecological Site Investigations and evaluations, Environmental Risk Assessments, European Protected Species surveys and licence applications amongst other environmental and ecological consultancy services. I have provided advice to Local and National government, voluntary organisations and the private sector over the last thirty-five years. In 1992 I was admitted as a founder member of the Institute of Ecology and Environmental Management.

2. The Applicant appointed me in December 2005 to advise on environmental and ecological aspects of their scheme for re-development of the Plémont Bay Holiday Village (P/2006/1868, for 36 houses) and to prepare an Environmental Impact Assessment, required by Policy G5 of the 2002 Jersey Island Plan.

3. My Environmental Impact Assessment dated June 2006 was submitted with application reference P/2006/1868 registered by the Planning Department on 5 September 2006. Subsequently they required a further specific study into potential impacts on Puffins and Seabirds

4. The Applicant appointed Durrell Wildlife Conservation Trust (Durrell) to undertake the study into Puffins and other Seabirds and they produced a report (the “Durrell Puffin report”) dated January 2008.

5. Although the Planning Department recommended approval for a revised scheme of 30 houses the Planning Minister rejected the 2009 Application. The Applicant then submitted a scheme for a self-catering re-development of the site, which the Planning Application Panel refused. During this period the Applicant also decided to pursue planning approval for the scheme of 30 houses recommended for approval by the Planning Department.

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6. The Environment Division of the States of Jersey provided an EIA Scoping Opinion & Checklist for this 30 house scheme, which informed my preparation of the Environmental Impact Statement (the “EIS”) and Ecological Statement - Biodiversity and Nature Conservation Report (the “ES”) for 30 Houses that are enclosed as Appendices 1 & 2 (respectively) of my full Witness Statement.
7. The Applicant submitted their planning application for 30 houses, accompanied by my EIS and ES (both dated May 2009) to the Planning Department on the 10 November 2009. The Planning Department registered this application on 16 November 2009 with reference P/2009/2108.
8. The Planning Department issued their EIA Review Checklist to BDK Architects on 25 February 2010, which they forwarded to me. As this related to my work I read this noting their Overall Appraisal graded my EIS A/B+; confirming my report was comprehensive, professional and clear picture of the environmental issues and was highly competent being sufficient to inform the determination of the application.
9. Since then I have been periodically updated about what transpired with the 2009 Application; including the ensuing amendments required by the Planning Department during 2010 followed by revision to the site boundary in January 2011 (which I am aware is still pending a decision) and the Applicant having to submit another application in December 2011 registered by the Planning Department with reference P/2011/1673; which I understand is the subject of this Public Inquiry. I have seen BDK Architects Schedule of Revisions to the 2009 Application dated 7 January 2011, which I agreed as far as my EIS & ES are concerned. I understand this was subsequently amended to version 2 to correct a couple of typographic errors unrelated to my reports.
10. I am aware the Countryside Character Appraisal (States of Jersey, 1999) classified Plémont Bay Holiday Village within Character Type E: Interior Agricultural Land, E1 – North-West Headland (St. Ouen). Reference to the Countryside Character Appraisal map clearly shows Character Type E1 extends around the northern-most boundary of the application site.

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11. My corrigendum to the concluding two sentences of my EIS paragraph 4.15 and ES paragraph 4.16 (commencing with “The Appraisal” in bold) comprises:-
“The Appraisal identifies Plémont Bay Holiday Village comes within Character Type E: *Interior Agricultural Land, E1 – North-West Headland (St Ouen)*. This Appraisal concludes that:- “*Jersey’s interior agricultural land has some capacity to accept change*”. Beyond the northern boundary of the proposal site the Appraisal identifies the entire north coast of Jersey within the *North Coast Headland* Character Area (A1) and the *Cliff Edge with Deep Sea* Character Area (F).”

12. My EIS and ES written in May 2009 EIS & ES were obviously written before the Draft 2011 Island Plan was first published in September 2009. Proposal 4 in the 2011 Island Plan is particularly relevant to environmental considerations, requiring the Planning Minister to have regard to the Countryside Character Appraisal when determining proposals for development affecting the Island's countryside. I have considered the objectives of Proposal 4 and concluded the proposal satisfies these requirements.

13. I have reviewed all the adopted 2011 Island Plan Policies, where relevant to environmental and ecological considerations. My conclusion is the 2011 Application satisfies the requirements of all applicable Policies in the 2011 Island Plan, in particular because the proposals will enhance biodiversity and landscape / character improvement; comprising fundamental objectives of the 2011 Island Plan.

14. In particular the Applicant proposes to transform a site of little intrinsic ecological merit and negative visual impact into a development of which it, and the Island, can be proud. The application has been designed to meet the above objectives, not least in the gift of a large part of the site to the Public, the protection of species and the creation of habitat and wildlife corridors, and the restoration of grassland and coastal vegetation.

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15. The development adjoins the Coastal National Park, in which there is the highest level of terrestrial protection in the 2011 Island Plan. Nevertheless, even in this zone, it is notable that Policy NE6 allows, as an exception to the general policy presumption, where it is demonstrated that:-

“2. the redevelopment of existing residential buildings would give rise to demonstrable environmental gains and make a positive contribution to the repair and restoration of the landscape character of the area by a reduction in their visual impact and an improvement in the design of the buildings that is more sensitive to the character of the area and local relevance;

5. It is expected that such improvements would arise, in particular, from significant reductions in mass, scale, volume and the built form of buildings; a reduction in the intensity of use; more sensitive and sympathetic consideration of siting and design which ensured the local relevance of design and materials; and a restoration of landscape and character.”

16. I have concluded the proposal accords with the principle, and also the detailed criteria, of this highest-ranking coastal policy; even though the proposal site is located in the Green Zone, where more flexibility for re-development of existing buildings is permitted than in the Coastal National Park.
17. With reference to paragraph 4.43 of my EIS and paragraph 4.33 of my ES concerning my résumé of findings; having reviewed the 2011 Island Plan Policies I conclude these résumés of my findings remain relevant and applicable to the proposal.
18. With reference to paragraphs 5.46 and 5.47 of my EIS concerning potential environmental effects (to take account of the 2011 Island Plan) the heading and subsequent text ‘*Zone of Outstanding Character*’ should be replaced with and refer to the ‘*Coastal National Park*’, as the Policies are to all intents and purposes identical. My findings, as they now relate to the Coastal National Park in paragraph 5.47, remain unchanged.

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19. With reference to paragraph 6.35 and 6.36 of my EIS concerning mitigated environmental desing (to take account of the 2011 Island Plan) the heading and subsequent text '*Zone of Outstanding Character*' should be replaced with and refer to the '*Coastal National Park*', as the Policies are to all intents and purposes identical. My conclusions, as they now relate to the Coastal National Park in paragraphs 6.35 and 6.36, remain unchanged.
20. With reference to paragraphs 7.26 and 7.27 of my EIS concerning residual environmental effects (to take account of the 2011 Island Plan) the heading and subsequent text '*Zone of Outstanding Character*' should be replaced with and refer to the '*Coastal National Park*', as the Policies are identical to all intents and purposes. My conclusions, as they now relate to the Coastal National Park in paragraphs 7.26 and 7.27, remain unchanged.
21. I have read the Durrell Protected Species survey dated October 2009 and note this generally reflects the findings of my own surveys three years earlier. Since then BDK Architects have periodically updated me about subsequent discussions with Environment Division about measures for ensuring survival and protection of these species in a reservation during prospective demolition works, subject to Planning consent. I am aware a re-survey and count of protected species in currently being undertaken and there are draft proposals for establishing a receptor site. I consider that the conservation of protected species currently within the site can be successfully carried out during re-development in compliance with the Conservation of Wildlife (Jersey) Law 2000.

This summary of my Witness Statement (excluding Headings and Footnotes) contains 1,471 words

Summary of Witness Statement of:

Michel Ragody Hughes
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Dated: 2 September 2012

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1. Introduction

1.1 My name is Michel Ragody Hughes and my professional address is MHA Consulting Ltd (trading as Michel Hughes Associates), 5 Fore Street, Chudleigh, Devon, TQ13 0HX.

1.2 My professional experience includes the following:

1.2.1 I practise as an Environmental and Ecological Consultant. I established my practice in 1994. Together with a number of specialist ecologists the practice provides a wide range of ecological services to the development and industrial sectors as well as national and local public organisations and individuals.

1.2.4 My professional experience has been advising on and implementing nature conservation for Local and National government, voluntary organisations and the private sector over the last thirty-five years. I have spent twenty-one years in consultancy practice, the last eighteen as the principal of Michel Hughes Associates.

1.2.2 My expertise includes undertaking Environmental Impact Assessments and Environmental Statements, Ecological Site Investigations and evaluations, Environmental Risk Assessments, European Protected Species surveys and licence applications, Project Design, Restoration Plans, site Management Plans, Environmental Planning and Policy plus Land Use Planning and implementation.

1.2.3 I am an Associate member of the Institute of Ecology and Environmental Management (IEEM), to which I was admitted as a founder member in 1992.

1.3 The matters stated in this statement are within my personal knowledge, save where I have indicated otherwise. In particular, I will refer to documents that I did not produce and words spoken by others in my presence.

2. History of my Involvement

2.1 I was appointed by Plémont Estates Ltd. ("the Applicant") in December 2005 to advise on environmental and ecological aspects of their scheme for re-development of the Plémont Bay Holiday Village (P/2006/1868, for 36 houses) and to prepare an Environmental Impact Assessment, as then required by Policy G5 of the 2002 Jersey Island Plan.

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- 2.2 In December 2005 I made an initial scoping visit to Plémont Bay Holiday Village. The field survey work for establishing the baseline environmental conditions was undertaken on the 8 & 9 June 2006. This included observing and recording the biodiversity of the site itself (the *Core Survey Area*) and the surrounding area (the *Extended Survey Area* encompassing the cliffs and cliff tops to the north and north-west, Plémont Headland (La Tête de Plémont, La Pièce Michel, Le Petit Plémont) and surrounding agricultural and common land). The scope of the surveys included man-made and semi-natural habitats, vegetation communities, flora, birds, bats, other mammal species, reptiles & amphibians, invertebrates and site evaluation. I then prepared an Environmental Impact Assessment, dated June 2006, based on this survey work and other research (as therein referenced) covering environmental and ecological aspects of the 36 house application.
- 2.3 I undertook a follow-up site visit to Plémont Bay Holiday Village on 31 August 2006.
- 2.4 The May 2009 Environmental Impact Assessment was submitted with application reference P/2006/1868 being registered by the Planning Department on 5 September 2006. During the period this application was lodged with the Planning Department they required a further specific study into potential impacts on Puffins and Seabirds.
- 2.5 I made another site visit to Plémont Bay Holiday Village on 26 April 2007.
- 2.6 The Applicant appointed Durrell Wildlife Conservation Trust (Durrell) to undertake the study into Puffins and other Seabirds and they produced a report (the “Durrell Puffin report”) dated January 2008. BDK Architects provided me with a copy of this report on 28 March 2008, with which I familiarised myself. Although this report was a more detailed review of available research and information on these subjects than my June 2006 EIA was required to include, the Durrell Puffin report supported my general findings regarding these species. The Durrell Puffin report identified that these species were threatened by factors unconnected with the former Plémont Bay Holiday Village (supplemented by recommendations for the conservation of puffins in Jersey to mitigate these external factors), while the proposals for this site were not identified to increase these external impacts.

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- 2.7 The Planning Department subsequently issued their report on application P/2006/1868 (for 36 houses) in late April 2008 recommending planning permission was granted providing certain amendments were incorporated including deleting six houses, leaving 30 houses. However, the Minister for Planning and Environment refused the application outright at a Public Meeting on 2 May 2008. The Applicant then prepared a scheme for a self-catering re-development of the site, for which I also prepared an Environmental Impact Assessment, submitted for planning approval in February 2009. The Planning Application Panel refused this application (P/2009/0709) on 1 October 2009.
- 2.8 On 3 May 2008 I made another general site inspection of the Plémont Bay Holiday Village.
- 2.9 Parallel to the self-catering application the Applicant also decided to pursue planning approval for the scheme of 30 houses that the Planning Department had recommended should be approved in their April 2008 report to the Planning Minister on application P/2006/1868 for 36 houses.
- 2.10 On 25 March 2009 BDK Architects submitted a request to the Environment Division of the States of Jersey for an EIA Scoping Opinion on the 30 house scheme, under the Planning and Building (Environmental Impact) (Jersey) Order 2006.
- 2.11 During April 2009 the Applicant appointed me to prepare an Ecological Statement and a revised Environmental Impact Statement to address the environmental and ecological aspects of the revised scheme for 30 houses.
- 2.12 The Environment Division consulted with statutory and non-statutory parties on the EIA Scoping Opinion and, following receipt of the consultation responses, on 1 May 2009 provided BDK Architects with their Department's EIA Scoping Opinion and EIA Scoping Checklist. This required a new ecological baseline survey for species protected (the "Protected Species" survey) under the Conservation of Wildlife (Jersey) Law 2000 (particularly green lizards, slow worms and heath grasshoppers), but confirmed the other earlier baseline surveys were acceptable and the Durrell Puffin report could be re-submitted with this new application. The Applicant subsequently appointed Durrell to

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undertake the Protected Species survey and prepare a specific report which was dated October 2009.

- 2.13 The guidance in the Environment Division's EIA Scoping Opinion and EIA Scoping Checklist informed my preparation of the Environmental Impact Statement (the "EIS") and Ecological Statement (the "ES") for 30 Houses. These guidance documents were included (together with the related consultation responses and correspondence) in Annex 3 of my Environmental Impact Statement for the 30 houses scheme, dated May 2009.
- 2.14 I enclose my Environmental Impact Statement (including the Non-Technical Summary) dated May 2009 herein as Appendix 1 and also enclose my Ecological Statement (Biodiversity and Nature Conservation Report) dated May 2009 herein as Appendix 2.
- 2.15 The Applicant submitted their planning application for 30 houses, accompanied by my EIS and ES (both dated May 2009) and Durrell's Protected Species survey, to the Planning Department on the 10 November 2009. The Planning Department registered this application on 16 November 2009 with reference P/2009/2108.
- 2.16 On 25 February 2010 the Planning Department issued their EIA Review Checklist dated the 16 February 2009 (although this should have been dated 2010) to BDK Architects, which they forwarded to me upon receipt. This comprised the Planning Department's review and assessment of my EIS dated May 2009, which I enclose as Appendix 3.
- 2.17 Further to reading the EIA Review Checklist, particularly as it related to my work and findings. I was pleased to note their Overall Appraisal graded my May 2009 EIS as A/B+. Their Overall Assessment concluded with:-

"The EIS and supporting documents present a comprehensive, professional and clear picture of the environmental issues surrounding this prominent site and the constraints and opportunities that it offers.

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In terms of information concerning survey, evaluation and proposed mitigation, the EIS is highly competent and sufficient to inform the processing and determination of the accompanying planning application (Ref P/2009/2108)."

- 2.18 Since then BDK Architects have periodically updated me in general terms about what subsequently transpired with the 2009 application (I am aware this application is still pending a decision). This culminated with the Applicant submitting another application in December 2011 registered by the Planning Department with reference P/2011/1673; which I understand is the subject of this Public Inquiry.
- 2.19 I am aware that between March and August 2010 the Planning Department required the Applicant to make a series of changes to the 2009 application which, *inter alia*, slightly increasing the extent of the proposed open grassland between the North-West and South-East clusters and revised it to 28 houses. None of these changes had any material affect upon the findings in my May 2009 EIS and ES. BDK Architects also sent me the Planning Department's report of September 2009, recommending the Planning Applications Panel approve this revised application. I am aware the application was due to be decided at the Planning Applications Panel meeting on the 7 October 2010 but shortly beforehand the Planning Department withdrew this from the Agenda.
- 2.20 Around the middle of January 2011 BDK Architects sent me their Schedule of Revisions to the 2009 application reports (dated the 7 January 2011), principally incorporating changes arising from the 2010 scheme revisions the Planning Department had required, as well as revised land quantities / values to reflect a revised site 'red line' boundary excluding land on the northern side of the property. I reviewed and agreed these revisions as far as my May 2009 EIS & ES were concerned; concluding they did not have any material affect upon my findings in these reports. I understand the Schedule of Revisions was subsequently amended to one dated the 12 December 2011 (version 2) to correct a couple of typographic errors unrelated to my reports, which was submitted with the December 2011 application (P/2011/1673) and forms a core Document reference CD1-CT for this Public Inquiry.

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3. The Countryside Character Appraisal

3.1 I am aware that the Countryside Character Appraisal (States of Jersey, 1999) classified Plémont Bay Holiday Village within Character Type E: Interior Agricultural Land, E1 – North-West Headland (St. Ouen). This is borne out by the site’s historic use as agricultural fields over 60 years ago. Reference to the Countryside Character Appraisal map clearly shows Character Type E1 extends around the northern-most boundary of the application site.

3.2 It has been drawn to my attention that my commentary at the end of EIS paragraph 4.15 and ES paragraph 4.16 does not properly reflect the CCA classification of the proposal site, which I would like to correct. My corrigendum to the concluding two sentences (commencing with “The Appraisal” in bold) for both these paragraphs should be taken to read:-

“The Appraisal identifies Plémont Bay Holiday Village comes within Character Type E: *Interior Agricultural Land, E1 – North-West Headland (St Ouen)*. This Appraisal concluded that:- “*Jersey’s interior agricultural land has some capacity to accept change*”. Beyond the northern boundary of the proposal site the Appraisal identifies the entire north coast of Jersey within the *North Coast Headland Character Area (A1)* and the *Cliff Edge with Deep Sea Character Area (F)*.”

4. The Jersey Island Plan 2011

4.1 The May 2009 EIS & ES were clearly written before the Draft 2011 Island Plan was first published in September 2009 and before the States of Jersey adopted the 2011 Island Plan on the 29 June 2011.

4.2 Proposal 4 in the 2011 Island Plan is particularly relevant to environmental considerations, requiring the Planning Minister to have regard to the Countryside Character Appraisal when determining proposals for development affecting the Island’s countryside. In particular it will be necessary to demonstrate that the proposal will:-

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“protect and enhance the character of the Island’s coast and countryside and the landscape impact of development proposals on the coast and countryside will be assessed and determined against the Countryside Character Appraisal.”

I consider the proposal satisfies the requirements of this objective.

- 4.3 In this section I will now briefly review the 2011 Island Plan Policies (which replaces paragraphs 4.17 to 4.35 in my EIS and paragraphs 4.18 to 4.36 in my ES) where they are relevant to environmental or ecological considerations; highlighting the material differences between the 2002 Island Policies addressed in my Statements and the subsequent 2011 Island Plan Policies.

Strategic Policies

4.4 SP1 – Spatial Strategy

The policy states that “Development will be concentrated within the Island’s Built-up Area, as defined on the Proposals Map, and, in particular, within the Town of St Helier. Outside the Built-up Area, planning permission will only be given for development:

- “(1) appropriate to the coast or countryside;
(2) of brown-field land, which meets an identified need, and where it is appropriate to do so”*

The proposal is considered to satisfy the requirements of this Policy.

4.5 SP2 – Efficient use of resources

“Development should make the most efficient and effective use of land, energy, water resources and buildings to help deliver a more sustainable form and pattern of sustainable development and to respond to climate change. In particular;

- (4) new development should 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.”*

The proposal is considered to satisfy the requirements of this Policy.

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4.6 SP3 – Sequential approach to development

When seeking to develop in a rural or coastal location this requires that the proposal is situated "where it causes least harm to the character and appearance of the landscape". This proposal, including the removal of significant existing buildings from the north of the site, provides a substantial improvement in the site's visual appearance and the countryside character of the area.

The proposal is considered to satisfy the requirements of this Policy.

4.7 SP4 – Protecting the natural and historic environment

"A high priority will be given 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."

The proposal is considered to satisfy the requirements of this Policy, in particular enhancing biodiversity.

4.8 SP7 – Better by design

"All development must be of high design quality that maintains and enhances the character and appearance of the area of Jersey in which it is located."

The proposal is considered to appropriately reflect the requirements of the Policy.

General Development Policies

4.9 GD1 – General development considerations

Policy GD1 comprises six criteria, that development should:-

- (1) *contributes towards a more sustainable form and pattern of development in accordance with Strategic Policies SP1, SP2 and SP3;*
- (2) *does not seriously harm the natural or historic environment;*
- (3) *does not seriously harm the amenities of neighbouring uses;*

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- (4) *contributes to and/or does not detract from the maintenance and diversification of the Island's economy, and has negligible effect on the use of agricultural land;*
- (5) *contributes towards the reduction in car-dependency;*
- (6) *be of a high-quality of design;*

The proposal is considered to satisfy the requirements of this Policy.

4.10 GD2 – Demolition and replacement of buildings

It is necessary to demonstrate that, in particular relevance:-

“The replacement of a building or part of a building will not be permitted unless the proposed development:

- 5. enhances the appearance of the site and its surroundings;*

The existing holiday complex is well-recognised as having been an inappropriate form of development by virtue of scale, mass and design at this location. The Landscape and Visual Assessment determined their replacement will enhance the appearance of the site and its surroundings..

The redevelopment proposal at this site is considered to meet the objectives of the Policy.

4.11 GD5 – Skyline, views and vistas

This Policy aims to protect or enhance the skyline, strategic views, important vistas and the setting of landmark buildings. The views along the northern coastline from, and of, the sea are some of the most dramatic in the Island. The site, while in the Green Zone, adjoins the Coastal National Park requiring careful consideration of the siting of buildings and building.

The proposal, while still visible in the landscape, has been designed in such a manner that it will settle mainly into the lower land and will reflect the character of clustered residential hamlets in the area. It will be set further back from the coastal escarpment than the existing buildings, being the most appropriate form of development for this area.

The proposal is considered to satisfy the requirements of this Policy.

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4.12 GD7 – Design quality

The policy seeks a high quality of design in all developments. The design should respect, conserve and contribute positively to the diversity and distinctiveness of the landscape.

Development proposals are required to take into account, as appropriate, factors such as: scale, form, massing, orientation, siting and density, relationship to existing buildings, settlement form and character, topography, landscape features and wider landscape setting, design details, materials and finishes and the incorporation of existing site features. The local character of the area is identified as an important consideration, recognising that Good design will respect, re-interpret and be in harmony with the local context.

The proposal is considered to appropriately reflect the requirements of the Policy.

Natural Environment Policies

4.13 The principal policies relevant to the proposed development are NE7 – “Green Zone” and NE8 – “Access and Awareness”. However, the new raft of policies in the Natural Environment section of the 2011 Island Plan have a much wider relevance than the former Plan which effectively define a strategy for the natural environment. In particular, Objective NE1 seeks to:-

“To protect and promote biodiversity and maintain and enhance the Island’s terrestrial and marine habitats and ecosystems; and

To protect and enhance the quality, character, diversity and distinctiveness of the Island’s landscape, coastline and seascape.”

4.14 The Applicant proposes to transform a site of little intrinsic ecological merit and negative visual impact into a development of which it, and the Island, can be proud. The application has been designed to meet the above objectives, not least in the gift of a large part of the site to the Public, the protection of species and the creation of habitat and wildlife corridors, and the restoration of grassland and coastal vegetation.

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4.15 Policy NE1 - Conservation and enhancement of biological diversity.

The Policy refers to the Minister's encouragement and promotion of opportunities to conserve wildlife and to create and manage new natural or semi-natural habitats, in the context of development schemes through appropriate building design and site layouts.

In the interests of sustaining and enhancing biodiversity it is proposed to integrate the aims of the Biodiversity Strategy with the aims of enhancing landscape character and stewardship set out in the countryside and agricultural policies.

The proposal substantially enhances the site's biodiversity potential, complying with the objectives of the Policy.

4.16 Policy NE2 – Species Protection

“Planning Permission will only be granted for development that would not cause significant harm to animal and plant species protected by law, or their habitats.”

This proposal, and in particular the creation of natural grasslands and removal of buildings close to the coastline habitat of the protected species of puffin, meets the requirements of this Policy.

4.17 Policy NE3 – Wildlife Corridors

“development that ensures the continuation and enhancement of corridors for wildlife will be encouraged and supported.”

This proposal, particularly removing existing buildings across the northern half of the site and converting 2/3rds of the site to open natural landscape, will provide new wildlife corridors thereby meeting the requirements of this Policy.

4.18 NE6 – Coastal National Park

The development adjoins the Coastal National Park, in which there is the highest level of terrestrial protection in the 2011 Island Plan. Nevertheless, even in this zone, it is notable that Policy NE6 allows, as an exception to the general policy presumption, where it is demonstrated that:-

“2. the redevelopment of existing residential buildings would give rise to demonstrable environmental gains and make a positive contribution to the repair

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and restoration of the landscape character of the area by a reduction in their visual impact and an improvement in the design of the buildings that is more sensitive to the character of the area and local relevance;

5. It is expected that such improvements would arise, in particular, from significant reductions in mass, scale, volume and the built form of buildings; a reduction in the intensity of use; more sensitive and sympathetic consideration of siting and design which ensured the local relevance of design and materials; and a restoration of landscape and character.”

The proposal accords with the principle and also the detailed criteria of this highest-ranking coastal policy.

4.19 NE7 – Green Zone

There is a general presumption against all forms of new development, for whatever purpose within the Green Zone. However, the Policy recognises in this zone there are many existing buildings and established uses, and to preclude any development would be unreasonable.

Paragraph c. of Policy NE7 states “*there will be a presumption against the use of commercial buildings for purposes other than for those which permission was originally granted. Exceptions to this will only be permitted where:*

i. (which is not relevant)

ii. their demolition and replacement with a new building(s) for another use would give rise to demonstrable environmental gains and make a positive contribution to the repair and restoration of the landscape character of the area through a reduction in their visual impact and an improvement in the design of the buildings that is more sensitive to the character of the area and local relevance. It is expected that such improvements would arise, in particular, from reductions in mass, scale, volume and the built form of buildings; a reduction in the intensity of use; more sensitive and sympathetic consideration of siting and design which ensured the local relevance of design and materials; and a restoration of landscape character.”

The proposal is considered to satisfy the requirements of this Policy.

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Historic Environment Policies

4.20 HE1 – Protecting Listed buildings and places

There are no designated or proposed Listed buildings or places within the proposal site.

4.21 HE5 – Protection of archaeological resources

The MOLAS Archaeological Assessment August 2006 confirmed there are no Sites of Special Interest within the site. Although this report concluded there is a high potential for the site to contain archaeological remains it is likely the construction of the Holiday Village will have obliterated any potential remains in the northern half of the site where the existing buildings stand. The report recommended further investigation is undertaken entailing archaeological trenching evaluation.

The proposal is considered to satisfy the requirements of this Policy.

Social, Community and Open Space Policies

4.22 SCO5 – Provision and enhancement of open space

The application provides for the gift of most of the developed part and some of the undeveloped part of the application site (67%) to the Public of the Island of Jersey for public open space and access.

The proposal is considered to satisfy the requirements of this Policy.

Natural Resources and Utilities Policies

4.23 NR1 – Protection of water resources

The site is served by a pumped main foul sewer, which will ensure there is no adverse impact on groundwater. Surface water run-off will be managed in accordance with the drainage hierarchy referred to at paragraph 11.128 of the 2011 Island Plan with grey water recycled through reed bed pond filtration.

The proposal is considered to satisfy the requirements of this Policy.

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4.24 NR7 – Renewable energy in new developments

The development will meet the requirements of the policy by incorporating low-carbon or renewable energy production to off-set carbon emissions by at least 10%.

The proposal is considered to satisfy the requirements of this Policy.

Waste Management Policies

4.25 WM1 – Waste minimisation and new development

The Site Waste Management Plan concludes that 100% of all materials (with the exclusion of hazardous materials) arising from demolition can be re-used on site or removed from the site for recycling.

The proposal is considered to satisfy the requirements of this Policy.

4.26 WM4 - Recycling / composting facilities

Each dwelling will be provided with a composting box and space for the prior sorting of waste that accords with the Parish of St Ouen method of waste collection. The site, at 28 homes, is considered to be too small for a 'mini'-recycling station, and too costly for the Parish.

The proposal is considered to satisfy the requirements of this Policy.

4.27 LWM1 – Liquid waste minimisation and new development

Water conservation will be achieved by the reduction of the capacity of toilet flushes, recycling of grey water, and the use of low water-use taps and appliances.

The proposal is considered to satisfy the requirements of this Policy.

4.28 LWM2 – Foul sewerage facilities

The site is served by a pumped main foul sewer, which will ensure there is no adverse impact on groundwater. The pumping station is relatively new, and is owned and managed by the Transport & Technical Services Department.

The proposal is considered to satisfy the requirements of this Policy.

**Plémont Bay Holiday Village – P/2011/1673
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Witness Statement of Michel Hughes

4.29 LWM3 – Surface water drainage facilities

Surface water run-off will be managed in accordance with the drainage hierarchy referred to at paragraph 11.128 of the 2011 Island Plan with surface water (in the case of hardstandings using permeable paving with water then filtered through petrol interceptors) recycled through reed bed pond filtration.

The proposal is considered to satisfy the requirements of this Policy.

Résumé of Findings

4.30 With reference to paragraph 4.43 of my EIS and paragraph 4.33 of my ES having reviewed the 2011 Island Plan Policies I conclude these résumés of my findings remain relevant and applicable to the proposal.

Potential Environmental Effects

4.31 With reference to paragraphs 5.46 and 5.47 of my EIS (to take account of the 2011 Island Plan) the heading and subsequent text '*Zone of Outstanding Character*' should be replaced with and refer to the '*Coastal National Park*', as the Policies are to all intents and purposes identical. My findings, as they now relate to the Coastal National Park in paragraph 5.47, remain unchanged.

Mitigated Environmental Design

4.32 With reference to paragraph 6.35 and 6.36 of my EIS (to take account of the 2011 Island Plan) the heading and subsequent text '*Zone of Outstanding Character*' should be replaced with and refer to the '*Coastal National Park*', as the Policies are to all intents and purposes identical. My conclusions, as they now relate to the Coastal National Park in paragraphs 6.35 and 6.36, remain unchanged.

**Plémont Bay Holiday Village – P/2011/1673
Public Inquiry**

Witness Statement of Michel Hughes

Residual Environmental Effects

4.33 With reference to paragraphs 7.26 and 7.27 of my EIS (to take account of the 2011 Island Plan) the heading and subsequent text '*Zone of Outstanding Character*' should be replaced with and refer to the '*Coastal National Park*', as the Policies are identical to all intents and purposes. My conclusions, as they now relate to the Coastal National Park in paragraphs 7.26 and 7.27, remain unchanged.

5. Protected Species Mitigation

5.1 I have read the Durrell Protected Species survey dated October 2009 and note this generally reflects the findings of my own surveys conducted three years earlier.

5.2 I am aware that on the 8 November 2009 a meeting was convened by BDK with John Pinel (Environment Division's Head of Countryside Management) and Dr. Glyn Young (Durrell), to review Durrell's Protected Species Survey and to agree a mitigation strategy. I enclose BDK Architect's minutes of this meeting and John Pinel's confirmation of agreement (which BDK Architect sent to me), as Appendix 4 herein.

5.3 Reading BDK Architect's minutes of this meeting I am aware John Pinel recommended an area should be found within the donor site for creating a receptor site and that BDK Architect's suggested the most appropriate area was on the west side of site (to the north of the T&TS foul drainage pumping station and to the west of the western chalet block).

5.4 I am aware that BDK Architect's visited the site with John Pinel and Michael Felton (Michael Felton Ltd, Landscape Architects) on the 21 May 2012. John Pinel agreed that BDK Architect's suggested location for the receptor site was suitable, subject to a re-survey and count of protected species, and concluded that the receptor site would be of adequate size to receive the predicted numbers. BDK Architect's have informed me the Applicant have appointed Paul Wagstaffe of Nurture Ecology to undertake this re-survey which is currently being undertaken.

**Plémont Bay Holiday Village – P/2011/1673
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Witness Statement of Michel Hughes

5.5 I consider that the conservation of protected species currently within the site can be successfully carried out during re-development in compliance with the Conservation of Wildlife (Jersey) Law 2000. Following this, as noted during my earlier investigations, the habitat will be substantially enhanced and is considered capable of supporting and maintaining a balanced, integrated, adaptive community of species. The future survival of these species is assured.

Witness Statement of:

Michel Ragody Hughes
Michel Hughes Associates
5 Fore Street
Chudleigh
Devon
TQ13 0HX

Dated: 30 August 2012

**Plémont Bay Holiday Village – P/2011/1673
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Witness Statement of Michel Hughes

Appendix 1

**Michel Hughes Associates
Environmental Impact Statement - May 2009**

**Plémont Bay Holiday Village – P/2011/1673
Public Inquiry**

Witness Statement of Michel Hughes

Appendix 2

**Michel Hughes Associates
Ecological Statement (Biodiversity and Nature Conservation Report)
May 2009**

**Plémont Bay Holiday Village – P/2011/1673
Public Inquiry**

Witness Statement of Michel Hughes

Appendix 3

**Planning & Building Services EIA report,
Environmental statement review checklist, issued 25th February 2010**

ENVIRONMENTAL IMPACT ASSESSMENT ENVIRONMENTAL STATEMENT REVIEW CHECKLIST

<p>TITLE OF ES:</p> <p>DEMOLISH EXISTING BUILDINGS. CONSTRUCT 28 NEW AND 2 REPLACEMENT DWELLINGS. RETURN TWO THIRDS OF SITE TO NATURE. REFURBISH WWII BUNKER WITH ASSOCIATED LANDSCAPING AND FOOTPATHS.</p>	<p>THIS CHECKLIST HAS BEEN COMPLETED BY: ALISTAIR COATES, SENIOR PLANNER, PLANNING & ENVIRONMENT DEPARTMENT.</p> <p>DATE: 16 FEBRUARY 2009</p> <p>IT REFERS TO THE FINDINGS OF THE ENVIRONMENTAL STATEMENT (ES). IT SUMMARISES THE KEY ISSUES, SIGNIFICANT EFFECTS, OR AREAS OF CONCERN IDENTIFIED BY THE FOLLOWING:</p> <p>STATUTORY CONSULTEE: PLANNING & ENVIRONMENT DEPT TRANSPORT & TECHNICAL SERVICES DEPT HEALTH PROTECTION HEALTH & SAFETY INSPECTORATE</p> <p>NON-STATUTORY CONSULTEE: NATIONAL TRUST FOR JERSEY LA SOCIETE JERSIASE</p>
<p>REGISTRATION DETAILS: P/2009/2108</p>	

Structure of the Criteria

The review criteria are drawn together from the IEMA ES Review Criteria and EU Guidance on EIA – EIS Review (2001). The criteria are split into five sections and this review report is structured accordingly:

- **Section 1** addresses all of the information contained within an Environmental Statement with the exception of the assessment of the impacts.
- **Section 2** addresses the assessment of the impacts on the environment. The section covers the information relating to:
 - the baseline conditions
 - the prediction of the magnitude of impacts
 - the evaluation of significance and
 - mitigation measures.
 - follow-up

Comments on this section cross-refer to the Scoping Opinion and are structured in accordance with the environmental issues referred to in the ES. In order to ensure that a report remains concise and focused any comments usually focus on those areas where the ES could be strengthened to provide an improved basis for decision-making.

- **Section 3** addresses risks of accidents and hazardous development that are not covered by local policy.
- **Section 4** addresses the presentation and communication of the information. This includes a brief review of the non-technical summary.

REVIEW GRADES

- A** Excellent, no tasks left incomplete
- B** Good, only minor omissions and inadequacies

C Satisfactory despite omissions and inadequacies

D Parts well attempted, but must as a whole be considered unsatisfactory because of omissions and/or inadequacies

E Poor, significant omissions or inadequacies

F Very poor, most tasks left incomplete

N/A Not applicable. The review topic is not applicable or relevant in the context of this statement

SECTION 1 GENERAL CRITERIA

1.1 Description of the Development

Review Question	Relevant?	Adequately Addressed?	What further information is needed?
Are the purpose and objectives of the development explained?	Y	Y	
Is the proposal and its need placed in context of local plans / objectives and strategies e.g. States Strategic Plan?	Y	Y	
Are the anticipated time scales of construction, operation and (where appropriate) decommissioning explained?	Y	Y	
Are the likely methods of construction (techniques and equipment to be used) described? <i>If unknown, worst-case scenario approach should be adopted in prediction of related impacts.</i>	Y	N	
Are the physical characteristics of proposal, including its location, the design and size of the development and area of land-take during construction and operation described?	Y	Y	
Are the main characteristics of any production processes e.g. nature and quantity of materials to be used included?	N	N/A	
Is the description illustrated by the use of maps and/or diagrams?	Y	Y	
Is the experience of the operator explained?	N	N/A	
Are the activities involved in the construction of the project described?	Y	N/A	The key element in this project is the de-construction of the existing holiday village. This is adequately addressed in the SSMP.
Are the activities involved in the operation of the project described?	Y	N/A	The end product is a conventional residential use set with a naturalised landscape.
Are the activities involved in the decommissioning of the project described? (e.g. closure, dismantling, demolition, clearance, site restoration, site re-use etc)	Y	Y	
Are estimates provided of the quantities and type of traffic that will arise during construction / de-construction?	N	Y	The Transport Assessment (Report HTC91380A/1) does not adequately assess the types / frequency of vehicles and trip generation during the de-construction stage. It is accepted that the construction phase of the new dwellings will be nothing unusual in the Jersey context, but de-construction traffic should be further addressed.
Are estimates provided of the quantities and type of traffic that will arise during operation?	Y	Y	
Are any developments likely to occur as a	N	N/A	Upgrading of some infrastructure will be

Review Question	Relevant?	Adequately Addressed?	What further information is needed?
consequence of the Project identified? (e.g. new housing, roads, water or sewerage infrastructure, aggregate extraction)			required, but nothing that needs to be further addressed at this stage.
Are any existing activities, which will alter or cease as a consequence of the Project identified?	N	N/A	
Are any other existing or planned developments with which the Project could have cumulative effects identified?	N	N/A	
Overall Review Grade for Section 1.1 (please circle): A B C D E F N/A			

1.2 Site Description

Review Question	Relevant?	Adequately Addressed?	What further information is needed?
Is the area of land occupied by each of the permanent project components clearly quantified, described and indicated on an appropriate scaled map or diagram?	Y	Y	
Is there a description of land uses on the site and the surrounding area?	Y	Y	
Is the area of land required temporarily for construction quantified and mapped?			
Is the reinstatement and after use of land occupied temporarily for operation of the Project described?	Y	Y	
Is reference made to policies, plans or designations relevant to the site and its surroundings?	Y	Y	
Is the study area consistent with the area potentially affected by the development?	Y	Y	
Is the affected land placed in the context of its surroundings?	Y	Y	
Is the form or appearance of any structures or other works developed as part of the Project described? (e.g. type, finish and colour of materials, design of buildings and structures, plant species etc.)	Y	Y	Note: some design / site layout changes may be necessary to satisfy the Minister's requirement for excellence in design.
For urban or similar development projects, are the numbers and other characteristics of new populations or business communities described?	Y	Y	
Is there a description of the expected changes in the affected land without proposal?	Y	Y	
Is the future status of the land in the absence of the project described? (e.g. is the site allocated for development or how would the conservation status change over time)	Y	Y	Para 8.29 – 8.31 of the EIS addresses the 'do-nothing' affects.
Overall Review Grade for Section 1.2 (please circle): A B C D E F N/A			

1.3 Scoping

Review Question	Relevant?	Adequately Addressed?	What further information is needed?
Has the scoping process that has been undertaken to identify key impacts been described?	Y	Y	
Is it evident that a systematic approach to scoping was adopted?	Y	Y	
Are a list of parties consulted and a summary of responses included?	Y	Y	
Where issues raised are not to be addressed in detail in the ES, is a reasoned justification for their exclusion given?	Y	Y	
Are environmental aspects likely to be significantly affected by the development clearly identified?	Y	Y	
Is the temporal and spatial scope of the assessment included?	Y	Y	
Are regulations under which EIA is required identified, with an indication whether it is also to be used to address other regulatory requirements?	Y	Y	
Overall Review Grade for Section 1.3 (please circle): A B C D E F N/A			

1.4 Consideration of Alternatives

The Environmental Statement (ES) should describe the main alternatives to the proposal that have been considered. The following alternatives should have been included and addressed, including the advantages and disadvantages of each and the main reason for the selection of the preferred option: Other factors influencing the choice of alternative should be noted, e.g. feasibility, cost-effectiveness and reasonableness of each option.

Review Question	Relevant?	Adequately Addressed?	What further information is needed?
Is a description of a formal options appraisal (if carried out) provided, including relevant decision factors?	Y	Y	The EIS together with well recorded planning history of the site clearly lead to the submitted option.
Is the baseline situation in the No Project situation described?	Y	Y	The Baseline 'situation' has previously generated confusion. However, given the extent of existing built development on the site, and the fact that the complex could, in planning terms, be brought back into tourist related use without the need for a major planning application, it is considered reasonable to accept the Baseline Condition as being an operational holiday village.
Are alternatives considered during the process described, including: <ul style="list-style-type: none"> • Sites? • Construction practices? • Plant and equipment? • Operating processes? • Site layouts? 	Y	Y	Given the unique set of circumstances relating to this site and the proposed development, it is accepted that alternatives are restricted to 'do-nothing', refurbish the existing holiday village or re-develop the site for some other use.
Are the alternatives realistic and genuine alternatives to the Project?	Y	Y	

Review Question	Relevant?	Adequately Addressed?	What further information is needed?
Are the main reasons for choice of the proposed development explained, including the environmental reasons for the choice?	Y	Y	
Are the main environmental effects of the alternatives compared with those of the proposed Project?	Y	Y	
Overall Review Grade for Section 1.3 (please circle): A B C D E F N/A			

SECTION 2: ISSUE SPECIFIC CRITERIA

2.1 Baseline Conditions

The ES should describe the current conditions of those aspects of the environment that are likely to be significantly affected by the development. The subjects to be covered should be cross-referenced with the Scoping Opinion. In cases where no Scoping Opinion has been requested, the Scoping Checklist should be used.

Review Question	Relevant?	Adequately Addressed?	What further information is needed?
Are all baseline conditions of aspects likely to be impacted by the Project included? <i>Cross reference with Scoping Opinion.</i>	Y	Y	
Is an indication provided of how these aspects could be expected to develop if the project were not to proceed?	Y	Y	
Has the study area been defined widely enough to include all the area likely to be significantly affected by the Project?	Y	Y	
Where existing data has been used to establish the baseline has the source of the data been identified and referenced?	Y	Y	
Is a clear description of the methods used to supplement existing information provided?	Y	Y	
Is the data gathered expressed quantitatively where possible?	Y	Y	
Is the baseline environment evaluated, for example in relation to its sensitivity and importance?	Y	Y	But, further survey work may be required to map the abundance, distribution & migratory pattern of any Common Toads on / near the site.
Are limitations of baseline surveys recognised?	Y	N	The principal limitation appears to be mismatch in data between the accepted Baseline Condition and the reality of the fact that the holiday village is currently derelict. A simple comparison could be provided for completeness.
If surveys would be required to adequately characterise the baseline environment but they have not been practicable for any reason, are the reasons explained and proposals set out for the surveys to be undertaken at a later stage?	Y	Y...	Subject to addressing the above point.

Review Question	Relevant?	Adequately Addressed?	What further information is needed?
Overall Review Grade for Section 2.1 (please circle): A B C D E F N/A			

2.2 Prediction of Impact Magnitude

The subjects to be covered should be cross-referenced with the Scoping Opinion. In cases where no Scoping Opinion has been requested, the Scoping Checklist should be used.

Review Question	Relevant?	Adequately Addressed?	What further information is needed?
Are predictions for the magnitude of the likely significant effects of the development identified?	Y	Y	
Is the magnitude of the impact predicted as a deviation from the established baseline conditions, for each phase of the proposal?	Y	Y	
Is the information and data used to predict the magnitude of impact clearly described?	Y	Y	
Where there are any gaps or uncertainty are these identified?	Y	N/A	
Are the methods used to establish magnitude clearly described, appropriate and reasonable in relation to the importance of the impact?	Y	Y	The Methodology is clear and extensive.
Where assumptions or unsupported data has been used in the predictions are these highlighted and accompanied by an indication of the reliability/confidence of those assumptions or data? <i>The data given should be quantified and levels of confidence in the estimates given.</i>	Y	Y	
Are the impacts that remain following mitigation quantitatively assessed?	Y	Y	
Does the ES evaluate any direct effects and any indirect, secondary, cumulative, short, medium and long-term, permanent and temporary, positive and negative effects, resulting from: <ul style="list-style-type: none"> • the existence of the development, • the use of natural resources and • the emission of pollutants, • the creation of nuisances and • the elimination of waste. 	Y	Y	
Specifically, are the effects on the environment caused by activities ancillary to the main project described?	Y	Y	
Specifically, are the indirect effects on the environment caused by consequential development described?	Y	Y	
Specifically, are cumulative effects on the environment of the Project together with other existing or planned developments in	Y	Y	

Review Question	Relevant?	Adequately Addressed?	What further information is needed?
the locality described?			
Are primary and secondary effects on human health and welfare described and where appropriate quantified? (e.g. health effects caused by release of toxic substances, health risks arising from changes in living conditions, effects on vulnerable groups etc).	Y	N/A	It is accepted that subject to a satisfactory SWMP being implemented, human health and welfare should not be significantly affected by the proposed development.
Are impacts on issues such as biodiversity, global climate change and sustainable development discussed where appropriate?	Y	Y	
Overall Review Grade for Section 2.2 (please circle): (A) B C D E F N/A			

2.3 Impact Significance

The ES should assess the significance of all impacts using appropriate local, UK and international quality standard limits (WHO Limits, EU Quality Standards etc.) The impacts to be covered should be cross-referenced with the Scoping Opinion. In cases where no Scoping Opinion has been requested, the Scoping Checklist should be used.

Review Question	Relevant?	Adequately Addressed?	What further information is needed?
Is the significance of all impacts assessed using the appropriate national and international quality standards limits (WHO Limits, EU Quality Standards etc)?	Y	Y	
Where no such standards exist, are the judgements (assumptions and value systems) that underpin the attribution of significance described?	Y	Y	
Does the assessment of significance consider the impact's deviation from the established baseline condition?	Y	Y	
Does the assessment of significance consider the sensitivity of the environment?	Y	Y	
Does the assessment of significance consider the extent to which the impact will be mitigated or is reversible?	Y	Y	
Is the range of factors, which are likely to influence the assessment of significance, clearly identified?	Y	Y	
Are methods used to predict effects described and are the reasons for their choice, any difficulties encountered and uncertainties in the results discussed?	Y	Y	
Where there is uncertainty about the precise details of the Project and its impact on the environment are worst case predictions described?	N	N/A	The Project is clear and precise.
Is the basis for evaluating the significance or importance of impacts clearly described?	Y	Y	
Is the significance of impacts that remain	Y	Y	

Review Question	Relevant?	Adequately Addressed?	What further information is needed?
following mitigation (i.e. residual impacts) identified?			
Is appropriate emphasis given to the most severe, adverse effects of the Project?	Y	Y	
Overall Review Grade for Section 2.3 (please circle): A B C D E F N/A			

2.4 Mitigation

The ES should describe the measures proposed to avoid, reduce, and if possible, remedy significant adverse impacts. The impacts to be covered should be cross-referenced with the Scoping Opinion. In cases where no Scoping Opinion has been requested, the Scoping Checklist should be used.

Review Question	Relevant?	Adequately Addressed?	What further information is needed?
Does the ES describe the measures proposed to avoid, reduce, and if possible, remedy significant adverse impacts?	Y	N	A contingency needs to be laid out clearly in the event that the de-construction works result in accidental ground / water / air contamination. Also, clear and definite proposals to avoid impact of lighting to minimise sky glow, glare and light spill. (Can be conditioned)
Does the ES provide an indication of the effectiveness of the stated measures?	Y	Y	
Does the ES demonstrate a clear commitment to implementing the mitigation measures and indicate how and when these measures will be implemented?	Y	Y	Section 6 of the EIS refers clearly.
Where there is uncertainty over the effectiveness, or it is dependent on assumptions, is justification provided for the acceptance of the assumptions?	Y	Y	
Overall Review Grade for Section 2.4 (please circle): B C D E F N/A			

2.5 Follow-up

Review Question	Relevant?	Adequately Addressed?	What further information is needed?
Does the ES provide details of any management plans that are to be implemented to deliver mitigation measures and to monitor the environmental impact of the project, including details of their timescales and geographical extent?	Y	N	The Landscape Management Plan / Matrix needs to clearly differentiate between Management and Maintenance with long term maintenance (10+years) and cost responsibility being made clear.
Where a management plan is to be integrated into an environmental management system, does the ES describe how this would be implemented?	Y	Y	But see above point.
Does the ES identify those responsible for	Y	N	Clear follow-up programme required, but this

Review Question	Relevant?	Adequately Addressed?	What further information is needed?
the follow-up programme and describe how the results of such a programme will affect the proposal's operation?			could form a requirement of any planning permission issued.
Overall Review Grade for Section 2.5 (please circle) B C D E F N/A			

SECTION 3: RISKS OF ACCIDENTS AND HAZARDOUS DEVELOPMENT

Risks of accidents as such are not covered by local policy. However, when the proposed development involves materials that could be harmful to the environment (including people) in the event of an accident, the Environmental Statement should include an indication of the preventive measures that will be adopted so that such an occurrence is not likely to have a significant effect.

Review Question	Relevant?	Adequately Addressed?	What further information is needed?
Are any risks associated with the Project discussed? <ul style="list-style-type: none"> Risks from handling of hazardous materials Risk from spills, fire, explosion Risks of traffic accidents Risks from breakdown or failure of processes or facilities Risks from exposure to the Project to natural disasters (flood, landslip etc) 	Y	Y	
Are measures to prevent and respond to accidents and abnormal events described? (preventive measures, training, contingency plans, emergency plans etc)	Y	Y	
Overall Review Grade for Section 4 (please circle): A B C D E F N/A			

SECTION 4 – PRESENTATION OF RESULTS

4.1 – Presentation

Review Question	Relevant?	Adequately Addressed?	What further information is needed?
Is the ES logically organised and clearly structured and presented so that the reader can locate information easily?	Y	Y	

Review Question	Relevant?	Adequately Addressed?	What further information is needed?
Is the use of technical terms kept to a minimum, with a glossary and full list of references provided?	Y	Y	
Is the ES comprehensive but concise, avoiding irrelevant data and information?	Y	Y	
Does the ES make effective use of tables, figures, maps, photographs and other graphics?	Y	Y	
Does the ES make effective use of annexes or appendices to present detailed data not essential to understanding the main text?	Y	Y	
Are all analyses and conclusions adequately supported with data and evidence?	Y	Y	
Are all sources of data properly referenced?	Y	Y	
Does it read as a single document with cross referencing between sections used to help the reader navigate through the document(s)?	Y	Y	
Overall Review Grade for Section 3.1 (please circle): <input checked="" type="radio"/> A <input type="radio"/> B <input type="radio"/> C <input type="radio"/> D <input type="radio"/> E <input type="radio"/> F <input type="radio"/> N/A			

4.2 – Objectivity

Review Question	Relevant?	Adequately Addressed?	What further information is needed?
Is the ES a balanced document, providing an impartial account of the environmental effects with reasoned and justifiable arguments?	Y	Y	
Does the ES give appropriate prominence to both positive and negative effects relative to their importance?	Y	Y	
Does the ES include the issues raised by consultees?	Y	N	Consultations have been received after the submission of the completed EIS. Planning Officer will collate these consultations and advise as to whether the planning application should be amended and / or whether the EIS requires amendment.
Does the ES explicitly recognise areas of limitations within the ES?	Y	Y	
Does the ES explain any difficulties that have been encountered and assumptions on which the assessment is based?	Y	Y	
Is detail provided as to how any difficulties have affected the ES and what measures were taken to limit them?	Y	Y	
Overall Review Grade for Section 3.2 (please circle): <input type="radio"/> A <input checked="" type="radio"/> B <input type="radio"/> C <input type="radio"/> D <input type="radio"/> E <input type="radio"/> F <input type="radio"/> N/A			

4.3 – Non-Technical Summary

Review Question	Relevant?	Adequately Addressed?	What further information is needed?
Is an NTS provided?	Y	Y	
Does the NTS provide sufficient information to understand the main environmental impacts of the proposal without reference to the main ES?	Y	Y	
Does the NTS include:			
• a summary of the description of the development?	Y	Y	
• the main alternatives considered?	Y	Y	
• the aspects of the environment likely to be significantly affected by the development?	Y	Y	
• likely significant impacts?	Y	Y	
• the mitigation measures to be implemented?	Y	Y	
Does the NTS highlight any significant uncertainties about the project and its environmental effects?	Y	Y	
Does the NTS include or make appropriate reference to maps and diagrams which, at a minimum, illustrate the location of the application site, the footprint of the proposed development, and the location of relevant key features?	Y	Y	
Is the summary written in non-technical language, avoiding technical terms, detailed data and scientific discussion?	Y	Y	
Would the NTS be comprehensible to a lay member of the public?	Y	Y	
Overall Review Grade for Section 3.3 (please circle): A B C D E F N/A			

OVERALL APPRAISAL OF THE ENVIRONMENTAL STATEMENT

No.	Review Topic	Grade	Comment
1	General Criteria	B+	Good clear criteria, well laid out and comprehensive.
2	Issue Specific Criteria	B+	As above, but a few points need clarifying.
3	Risks of Accidents and Hazardous Development	A	Main risk is from de-construction stage – this is well addressed.
4	Presentation of Results	A	The EIS is a thorough and clear document.

Overall assessment:

The EIS and supporting documents present a comprehensive, professional and clear picture of the environmental issues surrounding this prominent site and the constraints and opportunities that it offers.

In terms of information concerning survey, evaluation and proposed mitigation, the EIS is highly competent and sufficient to inform the processing and determination of the accompanying planning application (Ref P/2009/2108).

Any individual points raised by consultees on the EIS and accompanying planning application should also be addressed if not already done so in the EIS. Please see below for key points raised by consultees.

Comment:

Synopsis of Consultation Responses received:-

Countryside Division:

- Mitigation maybe required in the event that reptiles / amphibians are found on site.
- Satellite sites may be required for Common Toad, Green Lizard and Slow Worm.
- Clear proposals required for avoiding light glare / light spill and sky glow.
- Landscaping scheme needs to be minimal, natural and drawn up in conjunction with Countryside Manager.
- Need clear differentiation between maintenance and management of landscape (10years+) – who bears the cost?
- Need clear technical specification on the construction of the reed bed.
- Need a contingency plan in the event of any unforeseen contamination especially during de-construction works.

Ecology Unit

- Highlight landscaping issues which can be covered in conjunction with the points raised above. Bats may be present on site and the recommendations of the CEMP should be adhered to in this respect.

Environmental Protection

- Make several comments relating to Waste Management which the developer is expected to address directly with Environmental Protection and the Waste Regulation Unit. The Planning Department should be advised of any correspondence.
- Confirmation is required with regard to any proposal to crush and / or screen construction waste on site

Economic Development Department (Hospitality & Leisure)

- No comments to make on the proposals.

Transport & Technical Services

- The submitted Transport Assessment Report is reasonably accurate.
- 30 dwellings is still a significant size of development and maintain an objection as the proposal does not demonstrate that it will persuade people out of cars by providing practical alternatives such as improved bus services, cycle tracks and footpaths.

Historic Environment Team

- Recommend that An Archaeological Field Evaluation be undertaken to clarify the extent, form and significance of any archaeological remains, prior to the application being determined.

Health & Safety Inspectorate

- Content with the EIS.

Health Protection, Public Health Services

- Request a realistic 'as-is' noise assessment, based on the site as a derelict holiday village. Despite the findings of the CEMP, the developer will need to adhere to working hours as prescribed in 'Guidelines on Noise Control for Construction Sites' (Health Protection Services).

**Plémont Bay Holiday Village – P/2011/1673
Public Inquiry**

Witness Statement of Michel Hughes

Appendix 4

Minutes of meeting held with John Pinel, SoJ Environment Department - Head of Countryside Management, on 6th November 2009.

Meeting Subject - To review Durrell Grasshopper & Reptile Survey, Oct 09, and to agree Mitigation Strategy.

From: "John Pinel \ (P&E)" <J.Pinell@gov.je>
Subject: RE: Plemont - Durrell Grasshopper & Reptile Survey, Oct 09 - Mitigation
Date: 30 November 2009 15:32:23 GMT
To: "Paul Harding" <paul.harding@bdkarchitects.com>
▶ 1 Attachment, 8.2 KB

If this e-mail has been sent in error, please notify us immediately and delete this document. Please note the legal disclaimer which appears at the end of this message.

Dear Paul

My apologies for not responding sooner.

Thanks for the attached, I agree with your notes, and look forward to developing the issues in the future.

regards

John

John Pinel
Head of Countryside Management
States of Jersey | Planning and Environment Department |

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-----Original Message-----

From: Paul Harding [<mailto:paul.harding@bdkarchitects.com>]
Sent: 09 November 2009 07:58
To: John Pinel (P&E)
Cc: Glyn Young; Hemmings Patrick; Riding Mike; Michel Hughes; Felton Michael; Leithgoe Architects
Subject: Plemont - Durrell Grasshopper & Reptile Survey, Oct 09 - Mitigation

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Dear John,

Thanks for your time yesterday and further to our meeting with Glyn Young regarding the above I am pleased to confirm the matters discussed and agreed.

I have set this out in the form of Meeting Minutes which, following your agreement to them as an accurate record, I will append to the Durrell report recording the mitigation actions agreed between us.

Meeting Subject - To review Durrell Grasshopper & Reptile Survey, Oct 09, and to agree Mitigation Strategy

Venue & Date - SoJ Environment Department, Howard Davis Farm, St John. Held on Friday 6th November 2009 at 11.00am

Attendees -

John Pinel, SoJ Environment Department - Head of Countryside Management (JP)
Glyn Young, Durrell Wildlife Conservation Trust - Survey Co-ordinator (GY)
Paul Harding, BDK Architects - Project Architects (PH)

Introduction

1) PH noted the Durrell Grasshopper & Reptile Survey (Species Report) had been commissioned pursuant to the EIA

Scoping Consultation response in a letter from JP dated 16th April 2009 to Kelly Johnson when JP reported sighting of two green lizards *Lacerta bilineata* to north of the existing staff bungalow. JP had requested an adequate site survey was carried out and mitigation agreed with Environment Department before any activity takes place on the site. The EIA Scoping Opinion issued on 1st May 2009 therefore required a new ecological baseline survey for species protected under the Conservation of Wildlife (Jersey) Law 2000 including green lizards, slow worms and heath grasshoppers to be undertaken.

2) Following issue of the EIA Scoping Opinion PH had arranged for Durrell to be commissioned for undertaking this survey and preparing a baseline report.

3) Durrell had agreed the survey methodology and Durrell's personnel undertaking the survey with JP of SoJ Environment Department prior to commencing the survey.

4) Durrell had issued their Species Report to JP by e-mail on 3rd November 2009. Prior to this meeting JP had read and reviewed the Species Report.

5) PH suggested the 30 House scheme was the best solution all round. Reverting 67% of the site to nature would provide substantial environmental benefits at no cost to the Island. The scheme also realised a 43% reduction in built floor area and significant improvement in the Visual and Landscape quality of the site and surrounding area. PH advised the 30 House scheme was being submitted as a formal planning application Tuesday next week. PH noted the Durrell Species Report concluded the very low number of green lizards, slow worms and heath grasshoppers actually present on the site were mainly found around the site perimeter. PH noted the habitats extant within the site were unsuitable for these species and suggested the individuals found were likely to have originated from across other side of La Route de Petit Plemont.

6) PH noted the 30 house scheme would create 12.96 verges of natural landscape across the northern and western part of the site, totalling 48% of total site area, creating habitat of value to these species.

Discussion

7) JP agreed that:-

7.1 - It is evident these species are resident within the site.

7.2 - The existing habitat within the site is not suitable for these species.

7.3 - The very low numbers of these species found are not of importance.

7.4 - However we must have regard to the protected status of the green lizards and slow worms.

7.5 - The really positive aspect of the 30 House scheme is extent of land being returned to nature.

7.6 - The result of this would produce a substantial beneficial environmental improvement.

It was agreed the Durrell Species report would be relevant to all future uses of this site.

8) The timing of undertaking mitigation was discussed. This would have to be undertaken when the species were active during hot weather, during months of July / August. PH advised it was unlikely the 30 House Planning Application would be determined before February 2010 and there was a range of enabling works that had to be undertaken prior to any demolition works commencing. In particular a rat eradication programme had to be implemented, archaeological site investigations (probably by trenching) were required and asbestos had to be removed. Further no demolition works can be undertaken between April - August to prevent any disturbance during the Puffin and Seabird breeding season. Assuming a Planning Permit is received by late February 2010 there would be insufficient time to complete enabling works prior to April 2010, so it would not be possible for demolition to commence prior to early September 2010. It was agreed this timetable gave the perfect period for mitigation during July / August 2010.

9) The mitigation method/s were discussed. JP advised it would be inappropriate to translocate these species to a receptor site on La Tete de Plemont because green lizards (particularly males) are very territorial and removing donor site population to there runs risk of two colonies fighting each other. JP recommended an area should be found within the donor site for creating a receptor reservation. PH suggested the most appropriate area was on west side of site, to north of T&TS foul drainage pumping station and to west of the western chalet block. This land of tussocky grass was concentric between where the species individuals had been found. JP pointed out male lizards require larger territory than females (Durrell Species report did not identify males / females found) and he would prefer to arrange site visit to agree receptor site location, which could be in area PH suggested or to north of existing buildings in an area of bramble / bracken that could be cleared. PH to arrange with JP date for site visit w/c 1st December.

10) GY queried if moving the species to a receptor location would pose risk of cat predation from an identifiable concentration of the reptiles in one area. PH pointed out there was an existing likelihood of cat preying these species but they are co-existing with such threats. It was clarified and agreed that containment of the receptor reservation (enclosing with suitable cat-proof fencing) would only be undertaken on the interface with remainder of the site where demolition / construction will take place, with the side/s facing towards existing natural landscape on the cliffs left open so the species were not fully contained and could move into adjacent suitable areas.

Agreed Mitigation Strategy

11) The mitigation preparation, programme and methods were agreed by all as follows:-

11.1 - JP & PH to arrange site visit to identify and agree receptor reservation area w/c 1st December.

11.2 - The receptor site would be prepared prior to translocation. In case of tussocky grassland community this would comprise discreet mowing during Spring / early Summer 2010. In case of bramble / bracken community this would comprise

flailing over winter period followed by discreet mowing during Spring / early Summer 2010.

11.3 - Suitable containment fencing would be erected between receptor site and remainder of the site where demolition / construction will occur, details to be agreed at later date, before July 2010.

11.4 - During during hot weather over July / August 2010 the protected species would be translocated to the receptor site. In case of green lizards JP advised a couple of days noosing around heads (not tails) would suffice for transporting them to receptor site. For catching slow worms Durrell would relay their rubber tiles across the site for a two week period then remove the species to receptor site.

11.5 - Regarding the heath grasshopper JP concluded the numbers were so low that translocation was unnecessary, but noted the substantial area of natural landscape across the northern and western part of the site being created would provide them with significantly increased habitat opportunity.

AOB

12) JP advised PH he will attend the presentation next Monday 9th November at 10.30am.

I would appreciate receiving your confirmation these Minutes of our meeting are an accurate record, or any corrections you would like to make.

Best Regards,
For and on Behalf of
BDK Architects

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