

Plémont Estates Ltd – Closing Statement
Delivered by Peter Thorne, for the Applicant

I would like to make the final submission on the Applicant's behalf, and to remind everyone present of the positive benefits to be gained for the application, which benefits align exactly in our view with the purposes of the 2002 Planning Law.

Article 2 of the Law states that the purpose of the law is:- *“to conserve, protect and improve jersey's natural beauty, natural resources and general amenities, its character and its physical and natural environment.”*

This application will enable the Plémont Holiday Village site to be protected and indeed improved, by the gift to the public of a significant portion of private land, which land will have been restored and protected in perpetuity.

You have heard from an impressive body of environmental experts who have stated categorically that the claim of opponents that this application will be an *“environmental disaster”* are completely inaccurate and have no basis in fact whatsoever. No credible expert or any evidence has been presented by the opponents to counter what we have said about the environmental benefits of this application.

It is indisputable that the removal of buildings, which currently blight the views from the headland and coastline to north of the site, can only improve the natural beauty of the area. I find it difficult to comprehend why the objectors would prefer the existing buildings to remain close to the escarpment. Some opponents to this application seem to think that the solution to these buildings is to have the Planning Minister require their removal under the powers in the [Planning] Law which enable the Department to deal with ruinous or dilapidated property. This is not the case at Plemont. These buildings have been maintained and are capable, without planning consent of restoration.

The claim of abandonment put forward by some opponents has no basis in law in Jersey nor is it supported by the facts of this case. It is our view that the use remains extant. We consider this more as a distraction to the merits of the application and hope that you, sir, can see that too.

I will turn now to the [Planning] Law and the Island Plan and how this application accords with that. This application is categorically not based on the case (as claimed by the opponents) that “*anything is better than that which is there now*”.

Mr Steenson says that the [Planning] Law prevails over the [Island] Plan. However, Article 19 (3) of the [Planning] Law allows the minister to grant planning permission that is inconsistent with the [Planning] Law, if he believes it is justified. We submit, however, that the application does accord with the [Planning] Law and the relevant [2011 Island Plan] Policies.

In our detailed Statement [of Case] we have demonstrated Policy by Policy how this application accords with the [2011 Island] Plan, both in terms of the underlying Policies, which deal with improving natural beauty, but also in providing housing, critically needed in the Island in the next 10 years – and not just affordable housing.

While not wishing to go through all Strategic and other Policies, SP1, NE6 and NE7 must be commented upon. Mr Steenson states that the legal test of presumptions and exceptions and the priority given to each of these is important. This is legal semantics, because they have to be considered in parallel and literally.

The Inspector will know from his work on the Island Plan that most of the Island is now in the Green Zone and accordingly the exceptions to the presumptions in NE7 are likely to be used and considered regularly by the Planning Department.

In relation to SP1 Spatial strategy, we would submit that the development “*is appropriate to the coast and the countryside*”. It is moving development away from the coast further into the interior agricultural land, which is entirely appropriate. This exception exists whether or not it is a brownfield site, which we submit it is, regardless as to legal definition & semantics. The Jersey definitions are not clear (Mr Coates said as much) and Jersey courts may look to the UK for clarity should the need arise.

On NE6 (Coastal National Park), we would like to correct something I said from yesterday. We wish to make it clear that this application does in fact accord with NE6 as there is an exception to the presumption against development for commercial buildings and we would like to draw to your attention Exception 5 in NE6 which allows

demolition and new buildings which give rise to “*significant demonstrable environmental gains*”. This application does just that.

This application furthermore has the support of the Planning Department. That should not be forgotten.

Finally let us not forget, as many of the objectors might wish, that this land is privately owned and that the owner has the right to utilise its land to its full potential, whether that be with this proposal for housing and publically gifted land or as a tourism venue. No members of the public, or non- elected pressure group, have the right to stop the owners enjoyment of their land.

We are sure however that sense will prevail and that you, sir, will be able to see through these claims of public rights over private land and consider this application on its planning merits only. As I have said, this application accords with the Planning Law and the Island Plan in its entirety, will provide a significant environmental improvement and should therefore be supported without further delay.