

PUBLIC INQUIRY PLANNING APPLICATION REFERENCE: P/2019/1042

INSPECTOR'S NOTE – 14 September 2020

PROPOSAL: Change of use of Field P712 from haulage, waste management and recycling facility to residential use in connection with development to construct 19 No. two bed and 5 No. three bed dwellings with associated parking and landscaping. Change of use of Field P714 and P715 to agricultural. Alter land levels and create pond to Field P715. Create access track to South of Field P714. Alter vehicular access onto Le Mont Fallu.

Introduction and background

1. My name is Philip Staddon. I am a Chartered Town Planner with over thirty years' experience in the public and private sectors, including roles as a Planning Inspector and Independent Examiner. In recent years, I have undertaken Planning appeals and conducted Planning Hearings and Public Inquiries in Jersey. This has given me a good understanding of the Island's Planning policies and issues.
2. I have been appointed to undertake this Public Inquiry, which will consider the Planning application made by Broadlands Private Hotel Ltd. The application relates to a commercial site within the Green Zone which is used for waste recycling and reprocessing of waste materials, primarily from the building sector. In essence, the proposal is to replace this commercial use with a residential development of 24 new homes along with landscaping, agricultural re-instatement and associated engineering works.
3. On 17 October 2019, the Minister for the Environment decided¹ that a Public Inquiry should be held before he determines the application. The stated reasons were:
*"The Minister considers that in accordance with Article 12(1)(b) of the Planning and Building (Jersey) Law, 2002 (as amended 2015), the application would be a departure (other than an insubstantial one) from the Adopted 2011 island Plan (Revised 2014).
The Island Plan's Spatial Strategy [Policy SP1] asserts that outside the Built-up Area, planning permission will only be given for development appropriate to the coast or countryside; for development of brownfield land, which meets an identified need, and where it is appropriate to do so; and for development of greenfield land, in exceptional circumstances, where it justifiably supports parish communities or the rural economy and which meets an identified need and where it is appropriate to do so."*
4. My role in conducting the Inquiry is to provide an independent professional Planning assessment of the proposal. Following the Inquiry, I will prepare a report and make a recommendation to the Minister for the Environment. The Minister is not bound by my report and recommendation, but must

¹ Ministerial Decision MD-PE-2019-0091

take it into account in reaching his decision. My report will be published alongside the Minister's decision on the application.

The site inspection

5. I will be undertaking a site inspection on Monday 5 October 2020, i.e. before the Inquiry sits. Part of this inspection will be unaccompanied and part will be accompanied by a strictly limited number of representatives from the main parties (the Applicant and the States' Planning officers). The purpose of the site inspection is for fact finding purposes only and it will not include any discussion about the merits of the application proposal.

The Inquiry

6. The Inquiry was due to take place in March 2020 but had to be postponed due to the Covid-19 pandemic. It has been rescheduled to take place on 5 – 6 October 2020. The venue will be the Golden Apple Suite, Pomme D'or Hotel, Liberation Square, St Helier, Jersey JE1 3UF. The venue has been selected, in part, due to its large size which will allow for appropriate social distancing between those attending. Whilst most participants are expected to attend in person, there will be facilities to participate 'virtually' for others that may be self-isolating, or unable to attend for other reasons.
7. The Inquiry will open at 1.30 pm on Monday 5 October 2020 and is scheduled to sit for up to 1.5 days, closing by 5.00 pm on Tuesday 6 October 2020. There will be short mid-session breaks and lunch breaks, which will be agreed on the day. Finishing times will depend on progress made, but are expected to be around 5.00 pm on both days.
8. The Inquiry is supported by Helen Wilson, who is the Programme Officer. Helen is impartial and works under my direction to assist the smooth preparation and running of the Inquiry. She can be contacted at progofficer@aol.com or by telephone on 0151 352 3863 or 07879 443035.
9. I intend that the Inquiry will be an open and transparent one, which is inquisitorial rather than confrontational. I will not allow any questioning that I consider hostile, unfair, or which I consider is not contributing to my understanding of the main issues.
10. The Inquiry will be an opportunity for the Applicant to make its case in favour of the development, for the States' officers to provide their professional views, and for other interested parties to present their cases and views, whether in support or opposition to the proposal.
11. A programme has been devised and this sets out a timetable and running order for the participants. At the beginning of the Inquiry, I will outline the main issues, explain the timetable and deal with any procedural matters. There will then be some short opening statements from the main parties and from others, if they wish.
12. The Applicant will then be invited to make its case, calling its expert witnesses. Each Applicant witness will be invited to summarise their evidence and will be asked questions.

13. The usual order for questioning is, first, by the Applicant's own team, followed by questions from the States' officers and then, at my discretion, questions from interested parties. Following that, the Applicant can ask further questions of its witness, known as 're-examination', although these should be confined to matters of clarification arising from earlier questioning, and should not open new ground. I will then ask any questions that I may have.
14. The process is then repeated for the States' officers' evidence and for interested parties.
15. After the main evidence sessions, I will hold a short discussion about Planning conditions and legal obligations, which may be imposed or entered into, if the proposal is granted Planning permission. The fact that these matters are discussed does not signal that Planning permission will be granted. It is undertaken on an entirely without prejudice basis to ensure that, should the Minister decide to grant permission, he will have a set of conditions and, if appropriate, a legal undertaking, for his consideration.
16. After the Planning conditions session, I will invite closing submissions from the parties. I will then provide my concluding remarks and then formally close the Inquiry sessions. I will then prepare my report and submit it to the Minister.

Further information

17. For any questions or further information regarding the Inquiry please contact the Helen Wilson, the Programme Officer by email, at progofficer@aol.com or by telephone on 0151 352 3863 or 07879 443035.

Mr Philip Staddon BSc, Dip, MBA, MRTPI – Inspector