

Future Hospital Planning Application (PP/2018/0507) Decision

Minister for the Environment's Statement

(media briefing - 14 January 2019)

Good afternoon, and thank you for attending this media briefing on the future hospital planning application.

Following this statement and the announcement of my determination, I will be happy to answer any questions you may have. I will then also be available for individual media interviews.

At the end of this briefing, paper copies of my decision, the Inspector's report, a news release and my statement will be available for you to take away. Electronic copies are also being emailed to your news desks.

Before announcing my decision I think it is important and necessary for me to provide some context.

Jersey has a 'plan led' land use and development system. The Planning Law requires the Minister for the Environment to bring forward an Island Plan, which is discussed, amended and finally approved by the States Assembly. The Island Plan sets out the rules on where, what and how we build in the Island.

All planning application determinations, large or small, are considered against Island Plan policies, and require the 'weighing up' of the various policies before reaching a conclusion.

In general terms, if a planning application is in accordance with the Island Plan then it should be approved. However, if a proposal is inconsistent with the policies of the Island Plan, then it will generally be refused. Under the Law, exceptions are possible, but 'significant justification' is required to approve an application that is inconsistent with the Island Plan.

As Minister for the Environment, I have the sole responsibility for determining the future hospital planning application. This is an onerous responsibility placed on a single Minister.

The Planning issues and implications concerning the development of a new hospital in Jersey are some of the most complex and difficult the Island is likely to face.

Since my election, I have withdrawn from all political discussion on the subject of the future hospital site or the current planning application, in order to deal with this application fairly. This has been particularly important, given my pre-election comments, and to ensure that I did not pre-determine the application.

You will be aware that a previous planning application for the future hospital was refused by the former Minister, in January 2018. Following the refusal, a second application was submitted in April 2018. This application, the one we are discussing today, includes similar site elements to the first application, but extends and widens the area for redevelopment.

In accordance with the decision by my predecessor to hold a Public Inquiry in relation to the new hospital development, a second public inquiry was held in September 2018. The public inquiry was called to examine the plans for such a significant piece of public infrastructure.

The public inquiry was overseen by independent Planning Inspector Philip Staddon, and I received his report on the 14th December.

I thank Philip Staddon for conducting this inquiry. He has been meticulous in his work and produced an excellent and comprehensive report.

The new hospital project represents the biggest ever public infrastructure project embarked on by the States.

Accordingly, since receiving the report, I have very carefully considered all the points made by the Inspector. I have reviewed a considerable number of the documents submitted as part of the Planning Inquiry, and discussed this matter with Planning department officers.

I have resisted the pressure to make a quick decision, preferring to take several weeks to obtain a comprehensive and in-depth understanding of the application and associated opportunities and challenges. I now feel sufficiently prepared to make my decision.

The Inspector's report runs to just under one hundred pages and I do not intend to go through all the points made in the report during this briefing. However, there are a number of key and significant points made by the Inspector, and I would like to share some of these with you now.

The most important part of the Inspector's report, is his recommendation, which reads as follows:

That, unless the Minister considers that there is a public interest benefit that provides a sufficient justification for making a decision which is inconsistent with the Island Plan, planning permission should be REFUSED for the following reasons:

So, the Inspector recommends that I should Refuse the planning permission, unless the *public interest benefits* sufficiently justifies a departure from the Island Plan, and an approval. The Inspector considers that judgement can only be made Politically.

Before talking about the *public interest benefits*, I would like to share with you the Inspector's specific Island Plan reasons for recommending refusal.

These three reasons are as follows:

Reason 1 - Heritage:

- *The proposed main hospital development, by virtue of its siting, size and mass, would not preserve or enhance the settings of numerous heritage assets.*
- *It would cause serious harm to the immediate setting of the nineteenth century Grade 1 Listed building within the site, which would be overwhelmed and dominated by the imposition of large, tall and imposing modern buildings in its immediate setting.*
- *The settings of Listed buildings on Kensington Place and Edward Place would also suffer serious harm from the proximity and imposing presence of the new blocks.*
- *The proposal would also harm the settings of Listed buildings and places in the wider locality, most notably the many Listed buildings along Peirson Road, Victoria Park, People's Park and Westmount Gardens and Lower Park.*
- *As a result, the proposal conflicts with Policy HE 1 of the Island Plan and with the strategic high priority given to the protection of Jersey's historic environment set out in Policy SP 4.*

Reason 2- Residential amenity:

- *The proposed main hospital development would, by virtue of its siting, size and mass, lead to unreasonable harm to the residential amenities and living conditions of neighbouring residential properties.*
- *In particular, a significant number of residential properties on Kensington Place, Newgate Street and Patriotic Street will suffer notable reductions in daylight and, in some cases, these effects will be exceptionally severe.*

- *There will also be a significant loss of sunlight to properties on the north-west side of Kensington Place.*
- *As such, the proposal is contrary to Policies GD 1(3) and GD 3 of the Island Plan 2011 (revised 2014) which seek to protect reasonable expectations of amenity and mediate the Plan's support for higher density development.*

Reason 3 - Design, townscape and visual impacts:

- *The proposal, by virtue of its likely size, height and mass as set out in the submitted parameters, would result in a building that would be too large for this restricted site.*
- *In addition to significant heritage and amenity harm (Reasons 1 and 2), the proposal would also result in localised adverse townscape and visual amenity impacts, most notably in Kensington Place, Newgate Street, Patriotic Street and when viewed from approaches from the north-west, from where the building would appear imposing and out of scale.*
- *This conflicts with the Island Plan's strategic Policy SP 7 (Better by design) and with Policies GD 7 (Design quality), BE 5 (Tall buildings) and GD 5 (Skyline, views and vistas).*

Because of these three key reasons, the Inspector concludes that from an Island Plan-led perspective, that planning permission should be refused.

I would now like to turn to the *public interest benefits*, and to consider if there is sufficient justification for departing from the Island Plan.

The Planning Law does not define what constitutes a sufficient justification, and in his report, the Inspector states that it is not appropriate for the Planning Inspector to make that assessment, as it has come a matter that is now inextricably political.

However, the inspector does say *"there can be little doubt that providing a much needed new hospital to serve Jersey's population could provide such a 'public interest' justification."*

I note that planning officers consider that the need for a new hospital, combined with the many other Planning benefits of the development, would be sufficient to outweigh the negative planning impacts of the proposal and lead to a decision to approve the Outline application.

While I totally accept that we need a new hospital, key to my consideration of the public interest benefits is that I must be satisfied that that the current application is the right development in the right location.

I have deliberated on the site options. The existing Gloucester Street Hospital site is currently the States Assembly preferred 'in principle' site, as agreed by the previous Assembly in December 2016. However, public and political concerns continue to exist in relation to the merits of that decision.

A Policy Development Board was established by our current Chief Minister to review the evidence that supported the previous States Assembly's decision.

However, following a decision by the States Assembly, in July 2018, I wrote to the Inspector and extended the terms of reference for the Public Inquiry to allow consideration of the issue of alternative sites, *'if deemed necessary and appropriate'*.

While there are a number of realistic alternative sites that could physically accommodate the new hospital, the Inspector concluded that in Planning terms, there is not one 'stand out' alternative, and each of these would come with its own set of significant adverse environmental effects and consequent tensions in the Island Plan.

Based on the evidence before him, the Inspector concluded that none of the alternative site options would clearly avoid the adverse effects identified with the current application, or substantially reduce them.

I recognise that the States preferred site remains a sustainable location.

I have considered what impact my determination may have on the delivery of the new hospital project, which it is accepted needs to be urgently progressed. Unfortunately, there appears to be no reliable evidence available that provides sufficient clarity.

I have considered the option to re-open the Inquiry to obtain this clarity. However, I have decided that this would lead to further uncertainty and would not be in the island's best interest.

There are other important factors contained within the Inspector's report, which unfortunately I don't have time to go through in detail in this briefing.

In summarizing, I wish to state again, that I have carefully considered the public interest benefits, and balanced these against the significant planning harm that will be caused from this particular development.

While the public interest benefits are significant, I don't believe they outweigh the serious impacts of this specific proposal and I have therefore refused this application.

I recognise my decision will lead to more work in order to resolve these issues.