

Parish of St Ouen – Closing Statement 4 July 2013

I have been asked to make the final submission on behalf of the Parish of St Ouen, and in so doing, remind those present that the purpose of this Public Inquiry is to assess the Parish's specific application having regard to the policies of the Island Plan, and any other planning considerations that are material to the application.

We saved the Parish's comments on the representations against the development, to this closing statement, rather than questioning the speakers individually, and lengthening the Inquiry.

It is the Parish's view that the concerns about Mrs Coulter's bequest to the Parish, the complaint challenging the minutes of Parish Assemblies, and the potential for future development next to the eastern part of Field 622, are not matters for this Public Inquiry. Neither is the Inquiry intended to select alternative sites to that proposed.

The Connétable has made a planning application on the Parish's behalf, and has the flexibility, with the Parish's agreement, to undertake and fund the proposed development in other ways – as indeed the Parish has done before.

It is clear that the Parish intends to continue providing sheltered housing for its elderly population (which may well free-up existing family accommodation in the Parish). Unfortunately, the only undeveloped land that is within the designated Built-up Area comprises the active Fosse au Bois Farm on Field Nos. 616/7, and two small fields, (Nos. 630 and 654) on Route du Marais, plus a small area of land adjoining the now-developed Snow Goose site which has no access to the road network.

The reality therefore, is that there is no suitable, available and affordable Built-up Area site, and accordingly the development, if justified, can only take place on a green-field site within the Green Zone.

The problem with sites in Built-up Areas is that they are covered by Policy H6, which states that new dwellings will be approved, without any requirements about affordability, effectively making them open market sites. As we have heard, affordable homes need affordable land.

The Draft 2011 Island Plan failed to make any provision for local housing in St. Ouen, even though Policy H5 referred to the Parish of St. Ouen in its preamble.

Mr Coates has conceded that the proposals are totally acceptable under the requirements Policy SP1, H5 and Proposal 15, in all respects, save for the site being designated Green Zone (Policy NE7). He talked about local development plans, and the inordinate time that they would take to produce, to consult on, to hold an EIP, and either be approved by the Minister as Supplementary Guidance, or by a proposition to the States Assembly. We could be 3 years away from a resolution given that process, and the application is already 2½ years old.

We concede that the application is inconsistent with the Island Plan because it is in the Green Zone. It was therefore with some relief to the Parish that the Minister agreed to deal with the application expeditiously by Public Inquiry.

In building our case for the application to be approved, we have had regard to Proposal 15 and Policy H5, both of which support the creation of local housing in rural settlements as long as there is a demand.

Mr Coates reminded us that the proposals are supported by Policy SP1 - Spatial Strategy where at point 3 it states that:

Outside the Built-up Area, planning permission will only be given for development:

3. 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.

Surely, the demand for the housing and the absence of Built-up Area sites meets the requirements of point 3 of the policy. The situation is exceptional because there are no designated Built-up Areas.

Clearly, not all new housing can go into St Helier.

We consider we have proved the demand, with some 75 people seeking accommodation on the Parish's housing list. Indeed, Mrs Coulter herself recognised the need to provide homes for the elderly of the Parish.

12 households on the list applied for accommodation before the end of 2007, when Mrs Coulter died, and still remain on it. It is incorrect therefore to suggest that the Coulter bequest was the cause of the numbers on the housing list. There was already a waiting list of 36 in February 2009, but the subsequent increase in numbers in November 2009, March 2013, and April 2013, is almost certainly due to the potential emergence of 19 new homes.

On Tuesday, Mrs Watts graphically described the difficulties for elderly persons who are cut-off because they live in remote locations and cannot drive, a further justification for providing homes for the elderly. What better justification is there for creating new homes close to the village centre?

I genuinely believe that the Parish identified the most appropriate site for the proposed housing when it evaluated the various sites identified on Morris Architects Drawing 4591/28. It is the only site that has a totally safe pedestrian access and is close to the social facilities of the village – both critically important criteria given the likely tenants of the homes.

We believe that the impact on adjoining properties has been grossly overstated. The proposed homes are single storey with shallow hipped roofs, have been set well back into the field from Clos de la Croute and the ground is a metre or so lower than that roadway. It is most unlikely that there will be any unreasonable loss of privacy for any homes bounding the site. The loss of views over other people's land is not a planning consideration.

Yesterday, we heard from Mr Coates that an e-mail from the States TTS Department had stated that sufficient funding should be provided for any works to Route du Vinchelez, and the proposed junction arrangement would deal adequately with all traffic. The Constable, and Procureur du Bien Publique David Cuthbert, advised the Inquiry that there was no record of any accidents at the junction.

Also yesterday, we heard from those who opposed the development. Mrs Poole spoke first, and referred to the complaints about how the Parish Assembly of 17 November 2009 had been conducted, the complaint about the minutes, and the two propositions made to rezone eastern part of F.622.

She stated that the consultation between the Parish and the objectors was not as forthcoming as it might have been and that had there been a proper, robust report on the site assessment, she would have been more supportive of the application – perhaps there is a lesson here.

Similarly, Mr Poole expressed the same view, had the process been better. He also felt that the Parish should have been more transparent. He reminded us that the application on Field 616 had been refused, and referred to Fields 630 and 654 as better options in his view.

Mr Creedon, Mr Le Saux and Ms Martans-Radomski and Mr Le Main expressed their concerns and spoke passionately about the marsh and the effect that development may have on it. Ms Martans Radomski averred that an Environmental Statement should have been submitted, but the trigger for an ES in Jersey is 10,000m², and the built floor-space of the proposed development is only 1534m². The Natural Environment team have advised that they welcome the Landscape Management & Maintenance Statement, although increased development in a westerly direction will only serve to increase pressure on the marsh.

Mrs Lees-Baker addressed the demand for new housing and the legacy from the Coulter bequest. In the Parish's view, the funding of the proposed development may well be a matter for the Parish, but the considerations are not material to the planning application. She stated that she was opposed to development because the site is in the Green Zone. However, she would support Fields 631 and 632 being developed, albeit that they are Green Zone sites too.

Mr Blackmore referred to traffic generation and road safety. He made estimates of the amount of vehicles that the development will generate, but we consider that these are significantly over-estimated. He made the assumption that development would extend to other sites adjoining the application site, but there is no evidence to suggest that any further development will occur. It was recognised that Rue de la Croute is a "Green Lane" with a 15mph speed limit.

Mr le Brocq referred to Planning's Island-Wide Land Availability report of January 2012, as did Mr Lees-Baker, and referred to the number of outstanding planning permissions, many of which are apartments in St Helier and the more heavily developed Parishes. The Island Plan provides for the development of around 100

homes in the rural Parishes, and we prefer to see our elderly residents living within the community they know, rather than in a soulless apartment in Town.

Mr le Brocq also referred to Field 585, which was not assessed by the Parish, and he claims that the owner is prepared to sell it. That as may be.

He compared the area of the application site to the recently developed sites in Trinity and St Peter. The respective areas are all relatively similar:

- F.622 application site – 1.704 acres
- Trinity site – 1.019 acres
- St Peter – 0.956

James Godfrey spoke briefly on the RJA&HS's general statement on agricultural land.

Mr Houguez referred to the land he farms in the area, and the affect on his business if the application site was taken out of agricultural use. He acknowledged that he was a small-scale farmer, and depended on the autumn use of land including the application site for producing feed for his cattle – albeit that he has no legal right to the site, and had only used it once. However, the western part of F.622 is regular and large compared to most fields in the area.

Mr Lees-Baker also referred to the outstanding permissions in the Island, inferring that they should be taken up first. We consider this is irrelevant to the application for Parish homes which is the object of the proposals.

In conclusion, sir, I pose the question I addressed to Mr Coates, which is “Where can the Parish of St Ouen provide its rural centre housing if it does not have available land in the Built-up Area?”

It requires the weighing of the necessity of development against protection of open land.

I consider this the nub of your consideration, and trust that you will come to the right conclusion.

The creation of additional housing will benefit 19 households, and while we regret the need to take agricultural land, we do not consider that there will be any significant loss to the agricultural industry, or that there will be any significant impact on the surrounding properties or on traffic generation.

Finally, on behalf of the Parish, I wish to commend you on the excellent manner in which the Public Inquiry was conducted.

Peter Thorne MRTPI – Planning Consultant