

Planning and Building (Jersey) Law 2002

Planning and Building (Public Inquiries) (Jersey) Order 2008

Application P/2010/1717:

Construction of 19 sheltered housing units, communal building and new vehicular access.
The location is part of Field 622, Clos de la Croute, St Ouen

To: All organisations and individuals who have made representations regarding this application by 7 May 2013.

cc Department of Environment: Planning and Building Services.

Public Inquiry – Inspector’s Pre Inquiry Note 1 – 14 May 2013

Introduction

1. I am sending you this note because you are recorded as having made representations on the above application. I am the Independent Inspector appointed by the Minister for Planning and Environment, Deputy Rob Duhamel, to assess the application. My assessment will be based on evidence heard at the public inquiry, written representations and site inspections. After the inquiry I will write a report for the Minister, with recommendations as to how the application should be determined.
2. You will know the inquiry has been called because the development proposed in the application would be a substantial departure from the Island Plan. Articles 12 (1)(b) and (2) of the Planning and Building (Jersey) Law 2002 address this matter.
3. Under Article 19(3) of the Planning and Building (Jersey) Law 2002, the Minister may grant planning permission for a proposal that is inconsistent with the Island Plan 2011, but should not do so unless he is entirely satisfied that sufficient justification exists to override relevant policies in that Plan.
4. The proposal is to develop part of Field 622 for 19 sheltered dwellings – with 55% for open market rent and 45% for social rent.
5. The Programme Officer is Helen Wilson, whose contact details are c/o Planning & Building Services, South Hill, St Helier, email – progofficer@aol.com or by telephone - 01527 65741 or 07879 443035.
6. If you have any significant concerns or queries regarding this note please let Helen know what these are by 21 May. I will then consider whether I should make any revisions and I will let everyone know one way or the other by 24 May.
7. Amongst many other duties, on my behalf Helen Wilson is responsible for the content of the inquiry website www.gov.je/field622publicinquiry. This will be updated regularly. As well as the application documents and representations received (with some personal details redacted) the website will shortly include a list of Core Documents. These are documents that anyone may refer to at any stage, without having to submit a further copy. Helen will consider requests to add documents to the Core Documents list. Please let Helen know if you need to see paper copies of the representations, but to keep paper and postal usage to a minimum I hope that as many people as are able will opt to view them on the Inquiry website. Paper copies will be available for inspection at South Hill.

8. There is no requirement for you to attend the public inquiry, as I will in any event give full consideration to all written submissions including your own. You are, however, of course welcome to attend. In order that best use is made of inquiry time I am circulating this note regarding the procedure. The inquiry will focus on the most important issues and any other relevant matters.

The Inquiry

9. The inquiry will open promptly at 9.30 am on Tuesday 2 July 2013 at the Société Jersiaise, Pier Road, St Helier. I have allocated two days and proceedings will resume the following day, Wednesday 3 July, again starting at 9.30 am. There will be mid-day breaks and other adjournments when appropriate. Finishing times will depend on progress, but are likely to be around 5 pm.
10. I will carefully study all documents submitted including initial representations. I shall invite participants to highlight only the important points in their written documents which are relevant to the main inquiry issues. I will also offer participants the chance to respond to points made in other people's submissions. If the inquiry would benefit from specific questions about other participant's evidence these questions can be submitted in advance to Helen Wilson [See below under "Intended Outline of Inquiry" 8].
11. The inquiry would be helped if participants, who have very similar points to make, prepared joint statements. This speeds up the inquiry and avoids unnecessary repetition.

Documents

12. If you are intending to participate at the inquiry, you may either base your presentation on your representation as already made, or you may prefer to prepare a Statement of Case specifically to present on the day. Such Statements are often referred to as proofs of evidence. Any such Statement, or confirmation that your existing representations will be used, must be with Helen no later than noon on 10 June. Two paper copies of Statements must be submitted to Helen c/o South Hill, if possible an electronic copy should also be emailed to progofficer@aol.com
13. I am not imposing a word limit on statements, but they should be no longer than necessary to cover the points being made, and any Statement longer than 1500 words must be accompanied by a summary, that is fewer than 1500 words. Please remember that a good point briefly made can be very effective!
14. If you wish to refer to a source document that is not a Core Document then a copy (or copy of the relevant extract) including its cover page for identification purposes, must be attached to your Statement.
15. Helen will publish all duly made statements on the website by 14 June.

Further Guidance

16. Depending on what is received I may issue a further pre inquiry note, after 21 May but before the inquiry, if I feel that anything needs clarifying.

Main Issues

17. The main issues below have been identified from the submissions made:
- Whether the proposals comply with the 2011 Island Plan and its relevant policies and proposals, especially Policy SP1 – Spatial strategy, Policy NE2 – Green Zones, Policy H5 – Housing in rural centres and Proposal 15 – Village Plans.
 - If the proposals conflict with Island Plan policies or proposals, whether there are exceptional reasons in support of the proposal which are sufficient to override the presumption against new development in this part of the Green Zone around St Ouen. These reasons would include (a) the importance and value of the application site as part of the Green Zone, (b) the precise requirement for sheltered housing in the St Ouen area, or over any other relevant area, (c) the relevance of a possible St Ouen Village Plan in identifying suitable sheltered housing sites and assessing housing needs, (d) whether there are other alternative and more suitable sites for new housing in or around St Ouen, (e) whether adequate public consultation over the proposal has taken place.
 - Whether other matters such as access and agriculture should be critical factors in determining this proposal.

Intended outline of inquiry

1. Introductions and confirmation of application details.
2. Confirmation as to who wishes to speak at the inquiry. [Confirmation of who is intending to give evidence at the inquiry should be given to Helen by Tuesday 28 May – this will help the inquiry to make the most of the time available.]
3. The Parish of St Ouen (the applicants) and any other main parties will be invited to make a brief opening statement – not more than 5 minutes each.
4. Applicants will be invited to present their full case first, calling any witnesses in turn. Any parties supporting the Application will present their case.
5. The States of Jersey Department of Environment will explain, or present a Statement showing how this application should be determined by applying Island development plan policies.
6. Those objecting to the application will present their case.
7. All those speaking should highlight the main points in their evidence and, if they wish, respond to points made by others in written representations.
8. Article 14 (4) of the Planning and Building (Public Inquiries) (Jersey) Order 2008 states that no cross examination of witnesses is permitted. This unusual requirement is unhelpful to an inquiry of this nature, as it may not readily permit a thorough examination of all the evidence. Consequently testing of the evidence must be carried out solely by an Inspector, rather than the usually more effective combination of questioning by Inspector plus relevant parties. Due to this anomaly, in order to help the inquiry, I invite parties to suggest lines of questions to be put to particular witnesses. These questions should be submitted to Helen before the 25 June 2013. I will then decide how best to test the evidence by use of the lines of questioning submitted and my own examination of the evidence.
9. The next part of the inquiry is to consider possible planning conditions and any associated legal agreements. This is a standard part of a planning inquiry. It

does not mean that I am predisposed towards approval of the scheme. Participation in this session is an opportunity to seek to define and influence conditions that might be attached, were the Minister to conclude that the development may proceed. Taking part in this session will not prejudice anyone's overall opposition to the scheme.

10. I will ask those main parties opposed to the application to make brief final statements, should they wish to do so, without introducing any new points at this stage.
11. I will ask any party supporting the application, and the Applicants, to make a final statement.
12. I will arrange for the post inquiry site visit.
13. Inquiry closes.

Site Visits

18. Before the inquiry I will carry out an inspection of the application site, its surroundings, existing sheltered housing in St Ouen, village facilities in St Ouen, possible alternative sheltered housing sites around St Ouen, and other relevant land mentioned in written submissions. I will make a further inspection of the site and locality following the inquiry, in particular to follow up matters that arise during the debate. Participants will be welcome to attend this visit, but strictly on the basis that there will be no points made there for or against the application. Everything that is to be said must be said in the public arena of the inquiry itself. I expect to carry out the post inquiry site visit during the morning of Thursday 4 July or Friday 5. This will be confirmed at the inquiry.

David Bushby

Independent Inspector

14 May 2013