

DEPARTMENT OF THE ENVIRONMENT

PROOF OF EVIDENCE

FOR PUBLIC INQUIRY INTO P/2016/0870

**Construct secondary school with associated external facilities,
parking, landscaping and sports field. 3D Model Available.**

AMENDED ADDRESS. ADDITIONAL PLANS energy centre drawings

**AMENDED PLANS revised vehicular exit, widening of La Rue
Carree.**

Field No. 80, 84, 85, 86, 86A, 87, 87A, 88 & 88A

La Rue Carree, St. Brelade,

1. BACKGROUND

- 1.1. My name is John Nicholson, I am a Principal Planning Officer in the Development Control Section of Planning and Building Services, Department of the Environment, States of Jersey, and I have written this Proof of Evidence.
- 1.2. I am a Chartered Town Planner with approximately 20 years experience, consisting of about 10 years in my present role acting as case officer for some of the largest planning applications submitted to the Department. Prior to this I was a planning consultant within a large multi-national commercial surveying practice, acting for a variety of private clients and local authorities on development projects across the north of England.

2. INTRODUCTION

- 2.1. A Statement of Case from the Department of the Environment has already been submitted to the Programme Officer. This Proof of Evidence expands on the Statement of Case, reviewing the application submissions, drawings, supporting documentation from the applicant, plus the responses from consultees and representations following the public advertising of the application.
- 2.2. As with the Statement of Case, this submission does not necessarily reflect the views of the Members of the Planning Committee, or the Minister; none of whom have had involvement in its preparation, and none of whom have had sight of its content prior to release to the Public Inquiry.
- 2.3. This submission is structured to provide a planning assessment of the application, focusing on the issues identified in the Statement of Case. Such

an assessment is based on an understanding of all material considerations and the policy framework as set out in the Island Plan.

- 2.4. It is not uncommon for such issues to pull in apparently-competing directions, and so need to be given relative 'weight' in an assessment, to enable a balanced conclusion to be reached. This Proof of Evidence will also therefore review the weight to be given to the relevant issues.
- 2.5. The most appropriate starting point would seem to be the site-specific 'zoning' of the application site, as per the Proposals Map forming part of the Revised 2011 Island Plan. A zoning policy would usually deal with matters of principle, alongside which there will be a series of other considerations for detailed and technical matters. It will also be necessary to consider the context to, and reasons for, the zoning, as part of the overall strategy of the Island Plan.
- 2.6. In this instance the application site is within the Green Zone, where Policy NE7 of the Revised 2011 Island Plan sets the relevant context. This policy formed part of the interim review of the 2011 Island Plan, which resulted in the policy being amended to take account of the potential for "significant public infrastructure" to be located in the Green Zone.
- 2.7. The context of the changes made in the interim review is set out in our Statement of Case (paras 3.2 to 3.5) and the application (EIS, Chapter 6, paras 6.9 to 6.22).
- 2.8. The commentary provided in the submitted EIS does set out (para 6.19) that back at the time of the public consultation for the interim review of the 2011 Island Plan, the applicant did have an identified site, which is the same as now presented in the current application. However, it is also clear that back

in 2013 not enough work had been done to consider the suitability of potential alternative sites. This submission will review that requirement in later commentary.

3. STRATEGIC POLICIES

- 3.1. Before turning to consider the specific wording of the Policy NE7 as relevant to the Green Zone, it is worthwhile first explaining the context of the Green Zone itself, and reviewing the strategic and spatial objectives of the Island Plan which are relevant to the Green Zone designation.
- 3.2. The hierarchy of current policy can be traced back to the States of Jersey Strategic Plan 2015 – 18. This is included as Appendix A and extracts from it are presented in Chapter 5 of the EIS accompanying the current application, understandably with a primary focus on the enhancement of educational provision.
- 3.3. In its introduction (page 3) the Strategic Plan identifies a series of “Goals” which include to “*Provide a first class education service, supporting the development skills, creativity and life-long learning.*” In the same set of bullet points, another Goal is to “*Protect and enhance the Island’s natural and built environment.*” As per the opening commentary in this submission, the current application would appear to support one of these objectives (investment in education) at the expense of another (the protection of the natural environment). Striking a balance between these two goals will be a key question for the Inquiry.
- 3.4. Throughout the Strategic Plan are references to the need to protect the natural environment and countryside, for example, as an asset relevant to business leaders considering when deciding where to locate and to enhance

the quality of life for Islanders. This framework also aligns with the objective of Improving St Helier, by directing investment to support the regeneration of the Island's main settlement and support more sustainable patterns of development, alongside preserving our coast and countryside for everyone's enjoyment.

- 3.5. The Island Plan is one of the 'tools' which takes the Strategic Plan and interprets its objectives as a basis for making land-use planning decisions. The Strategic Policy Framework of the Island Plan is included as Appendix B, and sets out five key strategic principles which determine how land is used in Jersey, being:

Sustainable Development:

Where development should be located and how different forms of development will be assessed according to the principles of a sequential test;

How land and buildings should be used and energy use made more efficient and carbon neutral.

Protection of the Environment:

How the Island's unique identity and character, expressed through the nature of quality of its natural and historic environment, should be protected.

Economic Growth and Diversification:

How the Island Plan will seek to protect and facilitate the maintenance, enhancement and provision of land and development opportunities to support the maintenance and growth of the Island's economy.

Travel and Transport:

How the planning system can help to reduce the need to travel and how it

can provide choice to encourage the way we travel and in particular reduce the extent of our dependence on the private car.

Quality of Design:

How development proposals will be tested against urban design principles to ensure that they deliver quality in design and architecture.

- 3.6. The Spatial Strategy of the current Island Plan actually tightened the approach of earlier frameworks, and strengthened the desire to protect the Island's countryside from the further loss of greenfield land to development. No open fields were rezoned for housing, and there was little support for the redefinition of the Built-Up Area boundary into the countryside.
- 3.7. Policy SP1 of the Revised 2011 Island Plan considers the Spatial Strategy and sets out:
- “Development will be concentrated with the Island’s Built-Up Area, as defined on the Proposals Map, and in particular, within the Town of St Helier. Outside the Built-Up Area, planning permission will only be given for development:*
- 1. Appropriate to the coast or countryside;*
 - 2. Of brownfield land, which meets, an identified need, and where it is appropriate to do so;*
 - 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.”*
- 3.8. Evolving from the desire for more sustainable patterns of development and the establishment of a Spatial Strategy, the Island Plan discusses (from para 2.7) the need to ensure the appropriate use of land and resources, and questions the continued reliance on a ‘predict and provide’ approach to

delivering a sustainable long term future whilst also investing in the public infrastructure of the Island. This involves reducing demand, managing impacts and by-products of development, and only then investing in new infrastructure.

- 3.9. The supporting text from paras 2.8 to 2.16 explains that the adoption of these principles goes beyond the land use planning and should be embodied within the strategies and practices of the Island's operators of infrastructure. Jersey is a small island with limited resources, and needs to make wise and efficient use of land, energy and buildings. This would include serious examination of site potential, and an imaginative approach to design and layout.
- 3.10. Policy SP2 is then titled Efficient Use of Resources and sets out:
“Development should make the most efficient and effective use of land, energy, water resources and buildings to help deliver a more sustainable form and pattern of sustainable development, and to respond to climate change. In particular:
1. *The proposed provision of new development, its spatial distribution, location and design should be designed to limit carbon emissions;*
 2. *New development should be planned to make good use of opportunities for decentralised and renewable or low carbon energy;*
 3. *New development should be planned to minimise future vulnerability in a changing climate;*
 4. *New development should secure the highest viable resource efficiency, in terms of the re-use of existing land and buildings; the density of development; the conservation of water resources and energy efficiency.”*
- 3.11. The Island Plan then establishes a Sequential Approach to Development, articulated through Policy SP3, which will be applied to the assessment of all

development applications. The supporting text (para 2.20) sets out that development which requires a site outside the Built-Up Area must be justified and be sited where it causes least harm to the character and appearance of the landscape.

- 3.12. Alongside this strategic approach to more sustainable patterns of development, the Protection of the Natural and Historic Environment is then given further emphasis in Policy SP4 and the associated supporting text. Paragraph 2.22 of the Island Plan sets this scene by establishing “*The Island’s coast, countryside and historic environment are what makes Jersey unique....highly distinctive, visually appealing and one of the Island’s greatest assets.*”
- 3.13. The definition of Countryside Character types has informed the development of planning policy to protect these natural assets, and the guiding principal is that the countryside will be protected from inappropriate and non-essential development.
- 3.14. Policy SP4 is therefore titled Protecting the Natural and Historic Environment, and sets out:
“A high priority will be given to the protection of the Island’s natural and historic environment. The protection of the countryside and coastal character types; Jersey’s biodiversity; the Island’s heritage assets – its archaeology, historic buildings, structures and places – which contribute to and define its unique character and identity will be key material considerations in the determination of planning applications. The enhancement of biodiversity will also be encouraged.”
- 3.15. By focusing development within the existing built-up urban area, by reusing brownfield sites and by encouraging higher density development in

appropriate circumstances, modes of transport other than then private car should be more viable. Policy SP6 of the Island Plan seeks to Reduce the Dependence on the Private Car, and acknowledges that spatial planning policies are only one part of a package which include elements of behavioural change and complementary initiatives (via traffic management initiatives, parking standards, and Travel Plans).

- 3.16. This review of the key elements of the Strategic Policy Framework gives some context to the prominent emphasis to be placed on the Green Zone policy as a tool to generally resist development in support of the overall Spatial Strategy of the Island Plan, and to support more sustainable patterns of development, alongside the protection of the innate character of the countryside as a valued asset and part of the inherent qualities of what makes Jersey unique.

4. GREEN ZONE POLICY

- 4.1. Having set out the contextual Strategic Framework policies, this commentary moves to review the site specific Green Zone objectives in Policy NE7.
- 4.2. Paragraph 2.114 of the Island Plan sets out that the Green Zone” *includes those areas of the countryside which have an intact character and comprise an important range of environmental features needing a high level of protection....It presents a rich background including an attractive and intricate pattern of small fields, enclosures and lanes, and ecologically rich network of hedgerows, verges and banques.*”
- 4.3. There is a general presumption against any development in the Green Zone, but it is a “living landscape” containing a great number of buildings and a variety of land uses. Policy NE7 therefore does not establish a “moratorium”

against development, and sets out a series of categories of development which may *exceptionally* be considered, with the key test being the capacity of the site and its context to accommodate development without serious harm to landscape character.

4.4. As has been set out in the earlier Statement of Case, and in the submissions forming part of the application, one of the categories of development which may be *exceptionally* considered within NE7 is Strategic Development, which (following the Interim Review of the Island Plan) now includes specific reference to the potential provision of a new secondary school in the Green Zone.

4.5. Policy NE7 sets out that:

“The Green Zone, as designated on the Proposals Map, will be given a high level of protection from development and there will be a general presumption against all forms of development.

Only the following exceptions may be permissible, and only where they do not cause serious harm to landscape character;

(14) Strategic Development – where it is demonstrated to satisfy a proven island need, relative to the proper assessment of alternative options, strategic development related to.... significant public infrastructure, such as a new secondary school, but only where its environmental implications are properly identified, avoided and / or mitigated as far as possible.”

4.6. There are two elements of the wording of the policy which it is worthwhile examining. First of all is the issue of “need”. As per para 2.167 of the supporting text, this has its origins in the spatial hierarchy of the Strategic Framework, and the desire to accord with the sequential approach to development through the proper prior consideration of less environmentally sensitive locations. Secondly, the policy is quite clear that where the need

and sequential approach then indicates the principle of a Green Zone location are accepted, then the environmental implications are allowed to cause *some* harm in relation to landscape character (just not *serious* harm) as part of a package of mitigation.

- 4.7. There is therefore a high-bar established by the Green Zone policies, both specifically in NE7 and in the Strategic Framework which underpins the Island Plan. The Green Zone policy and the tests within it should therefore be given considerable weight in the assessment of the application. As such any submission seeking to secure permission must present a comprehensive and robust case before it can be considered to successfully meet the policy requirements.
- 4.8. The NE7 tests for a new secondary school commence with the consideration of need, which can be broken into a two-part test, being (first of all) in relation to whether a new secondary school is needed, and then, (if the first test is proven) a further assessment as to whether, sequentially, a Green Zone site is required. These matters are therefore consider in turn below.

5. NEED

- 5.1. It is notable that although the Interim Review of the 2011 Island Plan amended the wording of the NE7 Green Zone policy to include Strategic Development "*such as a new Secondary School*" it did not amend Policy SCO1, as relevant to Educational Facilities.
- 5.2. The supporting text to Policy SCO1 (paras 7.18 and 7.19 of the Revised 2011 Island Plan) identifies that "*Island demographics indicate a falling trend in the secondary school roll over the Plan period: the number of children entering secondary school peaked in 2003 and has now levelled out.*"

Accordingly, it is not anticipated that new secondary school provision will be required during the next ten years. There are some local capacity issues related, in particular, to the west of the Island and Les Quennevais School. However, this can be addressed through management of the catchment area.”

5.3. Policy SCO1 then goes on to set out that:

“Proposals for the development of additional educational facilities or for the extension and / or alteration of existing educational premises will be permitted provided that the proposal is:

- 1. Within the grounds of existing educational facilities; or*
- 2. On a safeguarded site, or*
- 3. Within the Built-Up Area.”*

5.4. This text in SCO1 seems to align with the approach to site selection in NE7, plus the policies which comprise the overall Strategic Framework, and the supporting text also introduces the issue of catchment management as a tool to consider the ‘need’ for new educational facilities.

5.5. In reviewing the submissions from the applicant, it is difficult to see evidence that a review of the catchment areas has occurred. Chapter 7 of the EIS discusses the Socio-Economic Impacts of the replacement school, and this indicates that the latest demographic data (from 2016, and so more up-to-date than the Island Plan) shows a steady increase in pupil numbers. Beyond this presentation of data there does not appear to be any information as to whether catchment management is relevant, or not.

5.6. The case in relation to need is focused on (EIS para 1.2 and elsewhere) *“the current school being significantly disadvantaged compared to all other secondary schools in Jersey by its poorly designed and inadequate*

accommodation.” This conclusion is referenced to a Serco VFM report of March 2010, which is not included as part of the application and therefore has not been assessed.

- 5.7. Further contextual information is given elsewhere in the EIS (paras 6.1 - 6.6) where the deterioration of the school building is identified, alongside the capacity issues (EIS, para 7.19) where it is clarified that the design of the present school is for 550 pupils, but it currently accommodates nearly 700. This references a Concept Brief from 2012/13 from Jersey Property Holdings which concluded at the costs (at 2013 prices) of addressing the physical shortfalls would be around £26.8 million, the process would be highly disruptive (for pupils and the surrounding area) and that the resulting building would still not meet relevant standards. The document then describes that a new school would cost £38.5 million.
- 5.8. The Concept Brief appears to be the document from which the current application emerges, and includes a consideration of need, but it was not submitted as part of the application. However, it was submitted to the Department in January 2015 as part of a request for pre-application advice, and it is understood to have formed part of the submissions from the applicant in relation to the Interim Review of the 2011 Island Plan. It is therefore included as Appendix C.
- 5.9. The applicant has usefully included (as Appendix 9 of the EIS) their early-stage Public Consultation Documents, and this is perhaps the best source of a concise case in relation to need. In pages 6 -8 they provide a good indication of both the requirements / challenges of modern education in a dated building, and the decisions that need to be made about on-going maintenance and the costs of refurbishment. As a summary, this paints a bleak picture of the current school and the limited options to do anything

about it. The robustness of this conclusion would be assisted by the ability to review the background documents which were not submitted with the application (the Serco VFM report, and the Concept Brief).

- 5.10. To conclude the comments in relation to need, the applicant clearly references this as a key component of the Green Zone policy, and makes arguments in relation to core matters (the limited capacity of the school, current condition, modern educational needs and limited options / costs of refurbishment). This needs to be reinforced by the ability for the decision maker to review the background documents, and (most particularly) to properly consider catchment management as a tool to mitigate the issues of capacity.

6. SEQUENTIAL TEST

- 6.1. Following the consideration of need, the second element of the test within Policy NE7 is to assess whether a Green Zone site is required, or whether a site exists which is sequentially preferable in relation to its planning policy context. This aligns with the content of Policy SP3, which the applicant acknowledges in their EIS (from para 6.23).
- 6.2. At paragraph 6.26 of their EIS that the applicant also identifies, in the absence of anything specific in the Island Plan, an appropriate guide to how a sequential approach can be tested. This represents a familiar framework, which is accepted as robust, and sets out that the approach should:
- i. Be proportionate and appropriate for the given proposal;*
 - ii. Demonstrate flexibility in the format and / or scale of the proposal;*
 - iii. Consider the sites availability, suitability and viability.*

- 6.3. It is clear that the long-list of sites then presented by the applicant is comprehensive, and although the Options have different numbering, most were the same as those presented to the Department at the pre-application stage. The feedback from the Department at the pre-application stage is set out in the letter of 31 March 2015 included as part of Appendix D.
- 6.4. The pre-application feedback placed considerable weight on the Green Zone presumptions against development, and concluded that two options (in the Built-Up Area) merited further consideration, being:
- Option 5** (now Option 2 in the EIS)
Existing site and Les Quennevais Sports Fields
and
Option 2a and 2b (now Options 6 and 7 in the EIS)
New Build on the South East or South West of Les Quennevais Sports Fields
- 6.5. In relation to the sequential test criteria (usefully summarised in tabular form at para 6.55 of the EIS) there does not appear to be a significant amount of commentary as to why the existing site and Les Quennevais Sport Fields (now Option 2, originally Option 5) have been dismissed as not suitable. This would involve splitting the site across the Railway Walk, onto the playing fields, and whilst it is logistically more complex than other options, there seems to have been little consideration given to the need for a demonstration of “flexibility in the format of the proposal”.
- 6.6. South West of Les Quennevais Sports Fields (now Option 6, originally Option 2a) seems to have been dismissed in a similar manner, as being not suitable with paragraph 6.46 of the EIS just identifying “*difficulty in orientating the building*”. It is not immediately apparent why a site to the

south-east of the sports fields was taken forward, whilst the site to the south-west was not. Again it does appear that insufficient consideration has been given to the need to show “flexibility in the format of the proposal”.

6.7. The applicant has therefore taken forward three sites to form a short-list and the basis for more detailed consideration (paras 6.60 to 6.124 of the EIS).

6.8. Option 1 is to the south-east of the Les Quennevais Sports Fields. This site is within the defined Built-Up Area, and is Protected Open Space. Policy SCO4 of the Island Plan sets out that these sites will be protected, and the loss of open space will only be permitted where it can be demonstrated that:

1. *Its loss will have no serious impact on the adequacy, quality and accessibility of provision of the type of open space affected by the proposal;*
- or*
2. *Alternative replacement provision of the same or better extent, quality and accessibility of open space can be provided; or*
3. *The proposal will be of greater community or Island benefit than the existing open space resource; or*
4. *Its loss would not seriously harm the character and appearance of the locality.*

6.9 It is interesting that the use of ‘or’ between the criteria within Policy SCO4 makes it quite clear that only one of the four needs to be met (rather than all) for a development to avoid conflicting with its aims.

6.10 In relation the conclusions from their assessment of Option 1 (to the south-east of the Les Quennevais Sports Fields) the case from the applicant (EIS para 6.117) focuses on the fact that there would be a significant impact on the whole of the Island through the loss of the playing fields and associated facilities and that no site appears available to compensate for their loss. This

issue will be examined in more detail later, however, at this initial point it must be noted that the current school site would become available and may (at least in part) be able to provide replacement open space facilities, yet the current school site is absent from the present considerations. Most importantly – the qualitative and quantitative loss of open space provision is not, in itself, a reason to prevent development on Protected Open Space. For example, it may be argued under criteria 3 of Policy SCO4 that the provision of a new secondary school would be exactly the type of development that was of a greater community and island benefit than the open space resource. This ‘community need’ may be given further significance in the context of the case from the applicant in relation to the pressing need for a new school to urgently benefit the educational aspirations of current and future generations of pupils.

- 6.11 This commentary does not mean that such an argument would be successful (as it has not been presented or assessed) but it does clearly show that the loss of sports pitches is not, in itself, a reason under SCO4 to dismiss Option 1. This is particularly relevant in the context of the Strategic Framework, which gives much greater weight to the protection of the Green Zone, than Protected Open Space within the Built Up Area.
- 6.12 This was a point emphasised in the earliest pre-application advice from the Department (letter of 31 March 15, in Appendix D), where it was emphasised (in bold text) “*The Green Zone must be seen as an option of last resort, when all other options have failed*”
- 6.13 Turning to examine the issues around Option 1 in more depth, the issues in relation to highway capacity, visual impact, ecology and archaeology appear likely to be resolvable, and it is just the issue of lost sports pitch provision which is leading to this option being dismissed (EIS para 6.117). This

conclusion from the applicant is then supported by the “Playing Pitch Equivalence Study” included as Appendix 2 of the EIS bundle.

- 6.14 The Playing Pitch Equivalence Study identifies a number of the pitches at Les Quennevais are well established and of a very high quality (particularly the cricket wicket) and that there is a risk that the ‘critical mass’ of provision becomes fragmented, to the detriment of management and maintenance, and the ability to host large events.
- 6.15 The Study identifies that a site of 8 hectares would be needed to relocate the facilities, which does appear to be a very large area given that the site for the new school proposed in the current application would only be 6 hectares, of which the vast majority (around two-thirds of the site) is actually new sports pitch provision. However, the Study does not go so far as to consider whether the value of the new replacement facilities (as part of the school application) would provide any mitigation. The new school project would involve the provision of new hard courts, 5-a-side provision, athletics track, football pitch, and an indoor sports hall – none of which seems to have been taken into account in setting out a ‘net’ position in relation to the overall provision of Open Space.
- 6.16 Another issue of clear relevance to getting a comprehensive understanding of opportunities for future pitch provision is the question about the future of the present school site. The application is silent on the future of the current site and given that no future use is sought through the current application (or indeed demolition proposed) then it will retain a legitimate planning use as an educational facility. This does not have to be the case, and the current site could be used to provide replacement sports pitches, and so also assist the ‘net’ position in relation to overall provision of playing pitches.

- 6.17 It is understood that in the vast majority of school redevelopment projects the original playing fields are one of the first options to be identified as the location for new buildings, with the uses then 'flipped' so that the old buildings are then removed from the site, to re-provide the playing fields.
- 6.18 This would follow the format used in the redevelopment of both Le Rocquier and Hautlieu secondary schools, which were both rebuilt in the last 15 years, and which both used their own playing fields as the site for the new school accommodation, with the old buildings then removed to re-provide the playing pitches.
- 6.19 The sports pitches at Les Quennevais are the provision currently used by the school, and it is unclear why the ability to 'flip' the uses is not included (at the very least in part) due to the current school site being removed from the assessment.
- 6.20 The Playing Pitch Equivalence Study is also silent on whether there is any flexibility in the format of Option 1 itself. There do appear to be some high quality elements of sports pitch provision which might be of a greater overall value, but there is no consideration given as to whether it might be possible that these could be 'saved' by altering the layout of the proposal.
- 6.21 This issue of flexibility in format has been raised previously in relation to other shortlisted options, but it is highlighted when the site-specific issues for Option 1 are under particular examination. The need for flexibility in format is further emphasised in relation to the fact that the school arrangement used in the assessment is materially different to that which is presented in the planning application (i.e. the format shown in the Options assessment is based on a template building of Le Rocquier School, not the linear form now proposed in the subject application).

- 6.22 It is therefore just not possible to use the Playing Pitch Equivalence Study as a document which completely supports the conclusion in para 6.117 of the EIS that there would be a significant impact on the whole of the Island through the loss of the playing fields and associated facilities if Option 1 was pursued. It clearly stops short of such a conclusion.
- 6.23 The shortcomings in the site selection process as identified above for Option 1 are a concern not only in relation to NE7, but also in relation of the desires of the Strategic Framework from the Island Plan, with a particular focus on SP2 concerning the Efficient Use of Resources. The potential for efficiencies by avoiding the duplication of sports pitches has not been explored, particularly when it is clear that if the new school is developed as per this application, then the current Les Quennevais Sports Centre will be without one of its largest user groups (ie. the current students).
- 6.24 As a secondary matter, Option 3 from the shortlist (the application site, plus St Brelade's Sports Club) does also, potentially, have benefits in relation to delivering at least some of the application within the Built-Up Area, and potentially reducing the amount of Green Zone lost, but the layout has not been explored to the extent that any clear conclusions can be made. Indeed, from examination of the thumbnail sketches in the public consultation documents (Appendix 9 of the EIS) Option 3 appears to be the same component parts as Option 2, just more spread out.
- 6.25 The public consultation exercise is a very useful pool of data, not only as the material issued helps pull together the case in relation to need, but also because the scale of public interaction is somewhat unprecedented with 1,353 responses received (summarised in Appendix 10 of the EIS). This can be compared with just four public comments for the current planning

application (included as a bundle in Appendix E).

- 6.26 One of the letters of representation does refer to site selection and sets out strong opposition to the development of a green field site, emphasising the importance of protecting these for future generations.
- 6.27 In relation to the material used in the public consultation exercise, the commentary above identifies that there are potential shortcomings with the site selection process and these are repeated in the public consultation exercise (i.e. the lack of flexibility in format shown in Option 1, and current school site being excluded). Traffic issues are also identified on the consultation leaflet for Option 1 (which are likely to be very important to local residents), yet the draft Transport Assessment for Option 1 accompanying the application identifies no insurmountable highways issues (EIS para 6.118).
- 6.28 Therefore, whilst the content of the public consultation material might not all be technically robust, it is nonetheless very useful for the conclusions of such a broad public consultation exercise to be available to the Inquiry.
- 6.29 To now continue with a consideration of the terms of Policy NE7, having reviewed the issues of need and the sequential test, even when these requirements are met, the policy requires that “*environmental implications are properly identified, avoided and / or mitigated as far as possible.*”
- 6.30 The term ‘environmental implications’ is very broad, and the applicant uses the EIA topic headings as a basis for review, which is considered appropriate. These topics will also have their own ‘technical’ policies in the Island Plan, and so can be cross-referenced for completeness.

7 LANDSCAPE AND VISUAL

- 7.1 As has been discussed earlier, the tests in NE7 are quite clear that where strategic development (such as a secondary school) is deemed acceptable in relation to need and the sequential site selection, then it is generally understood that there will be ‘an impact’ and indeed the wording of the policy is clear that the relevant test is whether the development causes “*serious harm to landscape character*”.
- 7.2 When examining impacts on landscape character the starting point should therefore be a consideration of the existing character, from which the key issues may evolve. To assist, reference can be made to the Countryside Character Appraisal, which is available in full from the www.gov.je website, with relevant extracts included as Appendix F.
- 7.3 The application site is within Character Area E8 (Western Plateau) which is considered to be a “*relatively flat elevated plateau dissected by the westwards running valleys of the St. Ouen’s Escarpment.*” It has arable farming, with small / medium fields, enclosed by earth back and mixed hedges, including some tall shelterbelts. The Appraisal also identifies that the area has seen extensive Post-War development including the airport and the new residential area at Les Quennevais.
- 7.4 The Countryside Character Appraisal sets out that the more extensive areas of development around Les Quennevais mean that the area has less of a rural feel than other parts of the interior of Jersey, however, it also identifies that new development should generally be limited to existing settlement areas and that threats to local character include the visual impact of suburban edge development, and it mentions that further ribbon

development along main roads which cut across the plateau should not occur.

- 7.5 In this vein, it is notable that the representation from the Jersey Farmers Union dated 10 August 16 (included with the bundle of other representations at Appendix G) sets out that *“We would point out that if this land is taken the area stretching from St. Brelade’s Bay to Croix Au Lion in St Peter would be almost devoid of any agricultural land.”*
- 7.6 To deliver an assessment of impacts on character, the applicant has submitted a Landscape and Visual Impact Assessment (Appendix V of the EIS) which is a very comprehensive submission and looks at all three shortlisted sites.
- 7.7 The covering note includes a brief conclusion for Option 2 (the application site) which at paragraph 5.1.6 identifies that *“the design of the site and building could be developed to mitigate some of the visual effects but there would be an unavoidable loss of a remnant area of typical western plateau agricultural land. Design must ensure no impact on skyline views. The loss of agricultural land will have to be weighed against the need for a school.”*
- 7.8 The specific landscape assessment for Option 2 then occurs in a distinct document including ,in Section 9, a Summary of Potential Effects, which identifies that in relation to Green Zone Policy NE7 the *“harm is significant locally.”* The summary also identifies that are a number of other effects which are considered to be *“major / moderate adverse”* including from high sensitivity receptors.
- 7.9 The Assessment includes a recommendation that *“Visual mitigation measures will be developed once a site has been selected and designs for*

the building and site progressed further. These are likely to include input into the building design in terms of massing, height, materials and siting as well as the protection of existing features, general site layout, new planting and other landscape features.”

- 7.10 The commentary above is a review of the three shortlisted sites and recommendations for the final design process. A specific Assessment of the application proposals is then provided in Chapter 8 of the EIS. Again, this is a comprehensive document, and the conclusions (para 8.170) identify that where “*major*” and “*major / moderate*” impacts are defined, these should be considered as being significant issues. In reviewing the impacts of the application, the Assessment does then identify that there are “*major / moderate*” (i.e. significant) adverse effects on the character of the agricultural fields (Local Landscape Character Area 8 – including the site itself) and on views from roads directly overlooking the site.
- 7.11 These conclusions are accepted, and perhaps further examination is necessary to look at the connections between the Assessment work and the actual composition of the proposals in the application (being the advice of the initial three site Assessment in paragraph 5.1.6 of Appendix 5 of the EIS, and the application-specific conclusions in Chapter 8 of the EIS).
- 7.12 On this issue, the application site is in the Green Zone site, where impact on landscape character is a crucial consideration. The applicant’s own Assessment work identifies that in putting the proposals together there will be opportunities to mitigate any impacts in terms of “*massing, height, materials and siting as well as the protection of existing features, general site layout, new planting and other landscape features.*”

- 7.13 Having reviewed the package of application documentation and, in particular the drawings, it is not immediately apparent that consideration of this advice was ‘front-and-centre’ of the design process, as might have been anticipated in the Green Zone. Other than the submitted Landscape Strategy drawing the proposals do not clearly show how the recommendations of the Assessment have been taken forward into the final design of the scheme. For example, the Design Statement includes just one page, of brief text and thumbnail photographs, in relation to “Landscaping and Boundaries”, generally repeating what is already said on the Landscape Strategy drawing.
- 7.14 The key steps (locating the building to the south, so leaving the north open) are clear, but in relation to more detailed matters the design rationale is unclear. For example, the Landscape Strategy drawing mentions softening views from the roads (which are the key receptors, as relevant to the identified moderate / major adverse impacts), but there are no detailed drawings which show how this advice has been taken forward into a detailed proposal (there are no drawings at a larger scale to show planting types and hard landscape materials, at key points in the perimeter – such as the north east corner of the site - or larger scale sections to clarify levels).
- 7.15 It is also a concern the materials chosen for elements of the building also do not appear to easily connect back to the advice within the Assessment that materials may help mitigate visual impacts. In particular the most significant element of ‘mass’ is the proposed Sports Hall on the western end of the building. This has a height in excess of 13 metres, and is proposed to be finished in “anodised dark aluminium cladding panels”. It is difficult to see how this material can go any way towards mitigating the visual impact on the largest element of the mass, and a much more visually regressive finish might have been anticipated. A Sports Hall will, by its nature, always be a form which is difficult to mitigate in relation to visual impact. However, in this

instance the Sports Hall is actually being delivered at first floor level, on top of the ancillary facilities (changing / stores etc) facilities, and as such it ground level is elevated a full floor out of the site. The 13 metre building is therefore 4.4 metres taller than it needs to be. The application does not seem to consider the implications of the visual impact if this extra height is delivered, despite their own Assessment cautioning on this very topic.

- 7.16 The significance of the Sports Hall (in relation to scale and materials, and so it's visual impact) is evident if the digital 3D modelling of the application is considered (representative images are included at Appendix H). In the views from the surrounding roads, the height of the Sports Hall breaks clear of the landscaped backdrop and the dark / contemporary materials clearly draw attention to this element of the proposal. It is the same in the mid-distance views from the west (from the Blanche Banques SSI) within the Coastal National Park, which the Assessment identifies as a "high sensitivity" receptor. Whilst the views may be limited and glimpsed due to the terrain and existing landscape, where there is a visual link to the site, it is the scale and form of the Sports Hall which is immediately obvious against the skyline.
- 7.17 This issue, as a planning policy consideration, is also referenced in Policy GD5 of the Island Plan which specifically considers Skyline, Views and Vistas, with the supporting text (at para 1.21 of the Revised 2011 Island Plan) identifying the visual perspectives that are considered important, including those across open countryside and the skyline of valley slopes and escarpments.
- 7.18 This commentary on the issues as relevant to the assessment, formulation and presentation of detailed landscape proposals, plus the form / materials for parts of the building emphasises a general concern that the issues to be

considered for mitigation by the Assessment do not seem to have been taken forward into the detailed proposals.

- 7.19 The applicant's own Assessment already identifies that there are "*major / moderate*" (i.e. significant) adverse effects on the character of the site and on views from roads directly overlooking the site. The translation of these conclusions into the policy assessment within NE7 is not straightforward as terminology is inconsistent. The Assessment references "*major / moderate*" (i.e. significant) adverse effects, and it will be for the Inquiry to consider how these terms translate against the Island Plan references in NE7 to "*serious harm to landscape character*".
- 7.20 Returning to the Landscape and Visual Assessment for the current application (Chapter 8 of the EIS) it is also useful to make reference to the overall consideration of residential amenity (by way of Policy GD1 of the Island Plan) resulting from the proposed school. In relation to visual impact, the Assessment notes (para 8.163) that the overall effect on nearby residential properties is "*moderate adverse*". This seems to be a reasonable position, but again the test in the Island Plan uses a different terminology, with Policy GD1 requiring that proposals "*do not unreasonably harm the amenities of neighbouring uses*". However, the "*moderate adverse*" level is, according to the Assessment criteria, outside what might be considered as significant.
- 7.21 The tests in GD1 set out a broader range of potential impacts than visual issues, which include traffic movements, noise, privacy, light levels (etc) and, echoing the approach in relation to the assessment of visual impacts, it would again appear reasonable to come to the conclusion that the receptors (the residents) are sensitive, but the overall impacts are low (by virtue of orientation, distance and frequency). So, whilst a degree of harm is likely, it

would be difficult to conclude, in the context of GD1 that unreasonable harm is caused to the overall amenities of neighbours.

8 ECOLOGICAL IMPACT

8.1 The application is accompanied by an Initial Ecological Assessment (Appendix VI of the EIS) which has been reviewed by the Natural Environment section of the Department of the Environment. Their consultation response (dated 6 September 2016) is included alongside all the other consultation responses in Appendix G.

8.2 Their consultation response identified concerns about the survey, which were clarified in correspondence dated 7 October 2016 from the applicant's ecological consultant. This has resulted in confirmation that the ecological issues have been satisfactorily addressed, subject to the mitigation measures / species protection plan.

8.3 On the basis of this feedback, the proposal is considered to be acceptable in the context of both the requirements of NE7 and the wider Island Plan policy framework in GD1, NE1 (Conservation and Enhancement of Biological Diversity) and NE2 (Species Protection).

9 TRANSPORT IMPACT

9.1 The application is accompanied by a Transport Assessment (Appendix XIII of the EIS) which has been reviewed by the Transport Policy section of the Department for Infrastructure. Their consultation response (dated 1 December 2016) is included with the other consultation responses in Appendix G.

- 9.2 Their consultation response confirms support for the proposal, subject to the provision of cycle stands, and various other conditions are also suggested.
- 9.3 Although the immediate roads (as relevant to the access and egress) are in the ownership of the States of Jersey who act as Highway Authority, the Connetable of St Brelade has also submitted a representation from the Parish Roads Committee (also included in Appendix G). They discuss the wider network issues and overall flows, coming to the conclusion that they support the scheme, particularly the number of footpaths and opportunities to cycle.
- 9.4 With reference to the broader policy context, in relation to TT2 (Footpath Provision and Enhancement and Walking Routes), whilst provision of dedicated paths is enhanced along the main road frontages, there is a wider footpath network which does not connect to the new school. To the west, a footpath runs north-south, linking to the existing pathways around Les Quennevais Sports Centre. This offers an attractive pedestrian route, away from the main roads, to and from large residential areas, yet no connection is made through to the school.
- 9.5 In accordance with Policy TT7 it might also be worthwhile investigating the potential for bus shelters as part of the public transport infrastructure provided as part of the new school project.
- 9.6 Other than these comments, the feedback from consultees confirms that the application accords with the relevant planning policy framework within the Island Plan. So, aside from the consideration of traffic and highways matters in relation to “environmental implications” as relevant to NE7, this supportive feedback is also considered relevant to Policies GD1, SP6, TT2, TT3, TT4, TT5, TT8 and TT9 of the Revised 2011 Island Plan.

9.7 Highways matters are raised in one letter of public representation (see Appendix E) from the Bodest Foundation (operators of the Les Ormes Sports and Leisure Centre) who endorse the proposals subject to the inclusion of a pavement / cycle track solution to La Rue Carree (which is incorporated into the application).

10 ARCHAEOLOGICAL ASSESSMENT

10.1 The application is accompanied by an Initial Archaeological Assessment (Appendix 8 of the EIS) which has been reviewed by the Historic Environment Team of the Department of the Environment, with their consultation response (dated 21 November 2016) included in Appendix G.

10.2 The Initial Assessment identifies that archaeological deposits may exist below the level of current ploughed soil, and as such an archaeological evaluation of the area, by trial trenching, is recommended in order to determine the presence of archaeology and the significance of this, so that suitable mitigation strategies can be established.

10.3 This conclusion is endorsed by the Historic Environment Team, who offer a Brief for the Project Design, and as such the proposal is considered to be acceptable in the context of both the requirements of NE7 and the remaining Island Plan policy framework in SP4, GD1 and HE5 (Preservation of Archaeological Resources).

11 GROUND CONDITIONS

11.1 The application is accompanied by Phase 1 and Phase 2 Reports (Appendices 15 and 16 of the EIS) which have been reviewed by the

Environmental Protection section of the Department of the Environment, with their consultation response (dated 9 January 2017) included with the other consultation responses in Appendix G.

- 11.2 Environmental Protection have confirmed that the development would be acceptable subject to suggested conditions and clarification in relation to whether a petrol interceptor is proposed for the car park.
- 11.3 The application is therefore considered acceptable both in relation to the context of “environmental implications” as relevant to Policy NE7, and the specific requirements of Policy GD6 (Contaminated Land) from the Island Plan.
- 11.4 A small element of the site is within the defined Water Pollution Safeguarded Area (the eastern element of the car park) and the petrol interceptor would secure compliance with Policy NR1 in relation to Water Resources.
- 11.5 It is not apparent that the applicant has made specific reference to the production of a “Water Conservation Strategy” as relevant to Policy NR2 of the Island Plan, although the Initial Bream Assessment (Appendix 17 of the EIS) does include reference (Section 3, page 34) the desire to achieve a 40% reduction against baseline levels.

12 CRIME IMPACT

- 12.1 The application is accompanied by an assessment of Crime Impact (Chapter 13 of the EIS) which sets out how designing out crime, and designing in community safety, are integrated into the project. The submission confirms that “Designing Out Crime” accreditation will be secured for the school. This approach is considered to accord with both Policy NE7 and Policy GD1(3d).

13 WASTE MANAGEMENT

- 13.1 Chapter 14 of the EIS sets out the approach to Waste Management, identifying that no structures are to be demolished, and that construction waste will need to be appropriately managed. An “outline” Waste Management Plan provided and it would be usual practice to require a detailed Waste Management Plan prior to the commencement of development (secured by way of planning condition) as a contractor would need to be appointed to provide the necessary detail.
- 13.2 A consultation response dated 13 July 2016 from the Waste Management Section of the Department for Infrastructure is included in Appendix G.
- 13.3 One of the points made in this consultation response is a query about site levels, particularly in relation to any ‘cut and fill’ required in connection with the creation of the playing fields. This is a valid question, and perhaps requires broader clarification too. The package of application drawings includes some sections which show a change in levels (i.e. a reduction of 1.2m is shown on the Cross Section for the main entrance on 10456: JPH: 02PL: 08), but there are no long site sections to show the implications for the levels across the rest of the site, and a series of spot heights have to be interpreted, along with annotations such as “*Raised Area used as Viewing Platform*” (which is actually on one of the lowest parts of the site, and adjacent to a residential unit).
- 13.4 Subject to planning conditions, and clarification in relation to levels, the application is considered to be acceptable in relation to both the contextual requirements of Policy NE7 and the specific requirements of Policy GD1 and WM1 from the Island Plan.

14 DRAINAGE IMPACTS

14.1 Chapter 15 of the EIS sets out the drainage Impacts and confirms that flows will be accommodated within existing available infrastructure. This approach secures compliance with the requirements of the “environmental implications” test in Policy NE7, and the specific Island Plan Policies, GD1 and LWM2.

14.2 However, whilst the applicant sets out (EIS Chapter 18, page 316) that surface water will be stored to provide an irrigation resource for the school grounds, it is not readily apparent from the drawings or other supporting information as to where / how this will occur, and this should be clarified, along with the other run-off management issues in LWM3 as relevant to Surface Water Drainage Facilities.

15 BREEAM AND RENEWABLE RESOURCES

15.1 Chapter 16 of the EIS sets out that the building is designed to be BREEAM “very good” under the 2013 International rating, and that the requirements of Policy NR7 from the Island Plan will therefore be met or exceeded.

15.2 Although the “Energy Centre” to the southern boundary of the site, appears to include an oil-fired boiler as the principal energy source, paragraph 16.27 of the EIS identifies that use of renewables will be considered, and that the east/west orientation provides a south facing roof as an opportunity for solar PV and thermal panels. The written text appears to present these as options, but it is notable that the application drawings include PV cells on the south-facing roof, and therefore they are considered to be a firm commitment,

acceptable in the context of both the requirements of Policy NE7 and Policy NR7 (Renewable Energy in New Developments).

16 LOSS OF AGRICULTURAL LAND

- 16.1 The application will result in the loss of agricultural land. This is unavoidable given the current and proposed use of the subject site, and could be deemed as a negative environmental impact in the context of NE7.
- 16.2 The applicant identifies (EIS, Chapter 18, page 322) that there is no way of mitigating against the loss, but that serious harm is not caused to agricultural opportunities overall. This is not the test which is set out in Policy ERE1 as relevant to Safeguarding Agricultural Land. This policy acknowledges that exceptions may be permitted, but provides a set of five bullet points against which such proposals should be considered.
- 16.3 The five bullet points cut-across issues which are reviewed elsewhere in this submission, as they relate to the broader framework and hierarchy of planning policy. It is notable that the applicant goes to great lengths in their sequential site assessment to show how why the sports pitches at Les Quennevais should not be built upon, yet they make no comparable assessment in relation to building on Agricultural Land, despite both ERE1 and SCO4 being similarly structured policies.
- 16.4 The consultation response from the Environmental Land Control section of the Department of the Environment (see Appendix G) identifies the “*regrettable loss of good agricultural land*”. Further, the representation from the Jersey Farmers’ Union (as referenced earlier and included at Appendix E) also provides background context, from the perspective of the industry, as to why they consider the protection of agricultural land to be important.

- 16.5 As an incidental matter, the application does appear to show that *some* agricultural uses are being retained, as the Proposed Site Plan shows and annotates an “*Existing Agricultural Shed*” within the site (to the north-west of the proposed 3G 5-a-side football pitch). This will need to be clarified.

17 CONSTRUCTION AND ENVIRONMENTAL MANAGEMENT PLAN (CEMP)

- 17.1 The construction phase of any project is likely to have different environmental impacts than the final development itself, and it is important that the short-term implications are considered and mitigated wherever possible. Chapter 17 of the EIS sets out an appropriate template for a future CEMP, which would usually be provided in full prior to the commencement of development (by way of planning condition) as a contractor would need to be appointed to provide the necessary detail.

18 GREEN ZONE REVIEW

- 18.1 This Proof has broken down the overall context of the Green Zone as an important spatial planning tool which emerges from the Strategic Framework of the Island Plan. The commentary has also explained that the Green Zone establishes a presumption against development, except in certain specific circumstances – and only then when particular criteria are met. With reference to the criteria within Policy NE7, concerns have been identified with the application, in relation the demonstration of need and the overall site selection process which has resulted in a Green Zone location. Further concerns are raised with some of the “environmental implications” (which are also cross-referenced to other policies within the Island Plan).

18.2 These are not the only matters which require consideration, and although the overall design is referenced in some of the earlier commentary, the specific architectural approach does require detailed examination.

19 DESIGN

19.1 The overall design of the building has been mentioned to some degree in the earlier commentary when considering the potential environmental implications (scale and form) under the umbrella of Policy NE7, however, this point does warrant further consideration as a distinct matter.

19.2 Policy SP7 “Better by Design” establishes that the maintenance and enhancement of the Island’s distinctive character and environment also requires good design. This policy sets out that all development must be of a high design quality that maintains and enhances the character and appearance of the area of Jersey in which it is located. The policy sets out that the various components of a development will be assessed to ensure that the proposal makes a positive contribution to urban design objectives including local character and sense of place.

19.3 This objective is reinforced by the more detailed content of Policy GD7 “Design Quality” which requires that all development should deliver a quality of design which respects, conserves and contributes positively to the diversity and distinctiveness of the landscape and built context. A set of seven criteria are then set out, and the policy is clear that when the design does not adequately address these points it will not be permitted. These points include: the scale, form and siting; relationship to the landscape and wider setting; the degree to which the design complements the style and traditions of local buildings; the use of landscape to enhance the development; the incorporation of existing site features such as boundary

walls; the inclusion of safe pedestrian routes; and the incorporation of features to design out crime. Reference may also be had to the Jersey Design Guide of September 2008 (included as Appendix I), which is a non-statutory document, but helps articulate some of the policy content.

- 19.4 A significant emphasis is placed on design in the determination of any planning application, and the Department are fortunate to benefit from the advice of the Jersey Architecture Commission (JAC) on such matters. The JAC is an advisory group set up to provide independent, expert advice and guidance on major and sensitive developments in Jersey, working to promote and support the highest possible standards of design in the built environment.
- 19.5 At the pre-application stage (March 2016) the applicant was invited to present the project to the JAC. At this time, the emerging proposals were similar to those in the current application, but not identical. An indication of the form can be seen by reference to the sketches and 3D thumbnails included in Appendix J, most notably the southern element of the roof was curved.
- 19.6 The feedback from the JAC, dated 18 March 2016 is also included in Appendix G. The feedback notes are self-explanatory, with encouragement given to the need to respond better to its orientation by reconsidering the curved roof and the east-west layout, plus the need to have an integrated landscape plan, to assist in building a sense of Jersey relevance into the project.
- 19.7 The scheme was then revised, and returned to the JAC in May 2016 for further comment. In relation to the key moves, the revised scheme was essentially the same as the current application. The notes of the meeting of

13 May 2016 are also included in Appendix J, and again are self-explanatory. The project team had removed the curved roof, but retained the overall east-west alignment. The applicant also sought to provide further evidence as to why this was their preferred arrangement, including making reference to the Cornelius Vermuyden School in Canvey Island.

- 19.8 The response of the JAC reinforced their original feedback about the orientation of the school damaging the usability of the north facing courtyards. They had concerns about the elevational treatment, re-stating their previous comments about the east-west orientation and restating their advice about integrating the landscape with the overall building. In their conclusions the JAC specifically note that *“the integration of the sports hall into the form of the building looks challenging....”*
- 19.9 The application was then lodged in early July 2016 and the submitted Design Statement doesn’t respond to the JAC feedback directly, rather, it discusses the issues in a brief and factual manner. At that time the applicant requested a third visit to the JAC, however, with the design fixed (by the submission of the application) and the scheme essentially unaltered from the second presentation in May 2016, the available JAC agenda time was used for other projects.
- 19.10 Appendix E includes a representation from Sarah McKinnon which focuses almost exclusively on matters of design, concluding by calling the proposals deeply disappointing and a missed opportunity.
- 19.11 It is questionable whether the Design Statement, and the application as a whole, adequately articulates the reasoning for the design approach in the context of the detailed feedback and questions raised from the JAC and the context of the policy objectives set out in SP7 and GD7. These questions

apply to almost all elements of the design, from the starting point of the east-west orientation, through to the approach to the incorporation of landscape (as referenced earlier – from para 7.12 of this Proof), and the selection of locally relevant materials.

20 OTHER MATTERS

20.1 The applicant has set out (EIS, Chapter 18, page 266) that they don't intend to make a specific contribution to the Percentage for Art initiative (Island Plan Policy GD8) but will use the main 'street' of the school to celebrate the successes of the students through the display of art, which will contribute to the identity of the school and the wider community.

20.2 Policy GD8 is clear that Percentage for Art contributions will be encouraged – and it is notable that there has been a great deal of engagement with this initiative, and contributions have usually been forthcoming. The associated Supplementary Planning Advice Note 3 (included as Appendix K) also identifies that the initiative is voluntary, and (at page 5) sets out that "*The Minister will...have regard to the public benefit inherent in public schemes and will seek to encourage, through agreement, the sponsoring Minister or other public agency to include an appropriate and commensurate public art contribution in the development of public projects.*" Within this context it is disappointing that there has not been a greater focus on the Percentage for Art initiative in the current application.

21 CONCLUSIONS

21.1 **The commentary within this Proof demonstrates how the layers of planning policy are inter-woven, and sometimes conflicting. In this instance the issues are significant: balancing the need to deliver a**

secondary school as a piece of important public infrastructure, against the desire to preserve the Green Zone – both of which would serve generations to come in their own different ways.

21.2 This Proof has sought to provide a context to the relevant planning policy framework, and then identify the performance of the application against the key considerations of the relevant policies. The commentary set out in this submission is consistent with the earlier Statement of Case from the Department and is consistent with the advice given at the pre-application stage.

21.3 The applicant is well aware of these matters, and has already identified that they intend to call witnesses and present further evidence to the Inquiry on these core issues. This is welcomed. It will then be for the Inquiry to determine the weight to be accorded to each policy, as part of a balanced overall recommendation.

-END-

SCHEDULE OF APPENDICES

- A. STATES OF JERSEY STRATEGIC PLAN 2015-2018**
- B. STRATEGIC FRAMEWORK POLICIES**
(extracted from Revised 2011 Island Plan)
- C. LES QUENNEVAIS SCHOOL REDEVELOPMENT CONCEPT BRIEF**
(States of Jersey Property Holdings)
- D. PRE-APPLICATION CORRESPONDENCE AND ADVICE**
- E. PUBLIC REPRESENTATIONS**
- F. EXTRACTS FROM COUNTRYSIDE CHARACTER APPRAISAL**
- G. CONSULTATION RESPONSES**
- H. REPRESENTATIVE IMAGES FROM SUBMITTED 3D MODEL**
- I. JERSEY DESIGN GUIDE**
- J. JERSEY ARCHITECTURE COMMISSION FEEDBACK**
- K. PLANNING ADIVCE NOTE 3: PERCENTAGE FOR ART**