
Jersey Future Hospital

Planning Statement

Prepared on behalf of
Department for Infrastructure
April 2018

BDP.

| | | | | | |
|--------------------------|-------------------|--|--|--|--|
| | Revision - | | | | |
| Date | 12 April 2018 | | | | |
| Project Reference | 2008365 | | | | |
| Prepared by | DJM/FS | | | | |
| Checked by | TON | | | | |

Contents

| | | |
|------------|---|----------|
| 1.0 | Introduction | X |
| 1.1 | Preamble | |
| 1.2 | The need for the Future Hospital | |
| 1.3 | Planning history | |
| 1.4 | Evolution of the proposals | |
| 1.5 | The planning application | |
| 1.6 | Submission of Reserved Matters / other consents | |
| 1.7 | Content of the planning application | |
| 1.8 | Land ownership | |
| 1.9 | Pre-Application consultation | |
| 1.10 | Public and stakeholder consultation | |
| 2.0 | Site Description | |
| 2.1 | Site description | |
| 3.0 | Proposed Development | |
| 3.1 | Description of development | |
| 3.2 | Scheme components | |
| 3.3 | Phasing | |
| 4.0 | Planning Policy | |
| 4.1 | Introduction | |
| 4.2 | The Revised 2011 Island Plan (2014) | |
| 4.3 | Supplementary Planning Guidance | |
| 5.0 | Planning Considerations | |
| 5.1 | Principle of development and land uses | |
| 5.2 | Design | |
| 5.3 | Townscape and visual impact | |
| 5.4 | Heritage and archaeology | |
| 5.5 | Residential amenity – daylight and sunlight | |
| 5.6 | Residential amenity – privacy | |
| 5.7 | Traffic, transport and access | |
| 5.8 | Energy and sustainability | |
| 5.9 | Water resources, flood risk and drainage | |
| 5.10 | Ecology and nature conservation | |
| 5.11 | Noise and vibration | |
| 5.12 | Construction impact | |
| 5.13 | Contaminated land | |
| 6.0 | Conclusion | |
| 6.1 | Compliance with planning policy | |

Appendix 1 – Revised 2011 Island Plan (2014) policies

1 Introduction

1.1 Preamble

- 1.1.1 This Planning Statement is submitted in support of an outline planning application made by Department for Infrastructure ('Dfi') for the Jersey Future Hospital project ('JFH').
- 1.1.2 In 2012 the States of Jersey ('SoJ') resolved to bring forward plans for a new hospital, with the proposed site selected in 2016. JFH is a project to deliver a modern, purpose-built general hospital to serve Jersey's future healthcare needs, and forms a key part of the wider strategy for health and social care on the Island.
- 1.1.3 The site is located in central St Helier, on the site of the existing Jersey General Hospital ('JGH'). Planning permission is sought for the following:
- "Outline planning application for the demolition of Stafford Hotel, Revere Hotel, 36-40 and 44 Kensington Place including Sutherland Court, and parts of the General Hospital including: Peter Crill House, Gwyneth Huelin Wing, link block, engineering block and chimney, 1960s and 1980s blocks on the Parade, temporary theatre block and Westaway Court. Phased construction of new hospital buildings at the General Hospital site and at Westaway Court, refurbishment of the Granite Block for continued non-clinical hospital use, improvements and construction of one half-deck of parking to Patriotic Street Car Park, and all associated landscaping and public realm, highways and access, plant and infrastructure works. Fixed matters: Means of Access. Matters reserved (by parameter plans): Scale and Mass; Siting; Landscaping; Appearance and Materials."
- 1.1.4 Separate planning applications may come forward in parallel with the outline planning application for early delivery/enabling of the Patriotic Street car park works, Edward Place/St Elmo's plant works, Kensington Place/Westaway demolitions and any other enabling works.
- 1.1.5 The purpose of this Planning Statement is to examine the proposals in the light of the adopted States of Jersey development plan, which is the Revised 2011 Island Plan (2014), and other planning guidance. The Planning Statement identifies where the scheme does and does not accord with Island Plan policies, and identifies relevant material considerations which are relevant to the assessment of acceptability of the proposals.

1.2 The need for the Future Hospital

- 1.2.1 The existing JGH is evidenced to have reached the end of its useful operational life and is no longer fit for purpose to provide modern healthcare. The proposal will provide a modern general hospital for Jersey which will be fit for 21st Century healthcare.
- 1.2.2 A brief summary of the health need evidence base and the history of decision-making underpinning the JFH project is provided in the 'Case for The Future Hospital' document, submitted in support of this application.
- 1.2.3 In 2012 the SoJ, through Proposition P82/2012 – 'Health and Social Services: A New Way Forward', requested the Council of Ministers to bring forward, by the end of 2014, proposals for priorities for investment in hospital services, and detailed plans for a new hospital (either on a new site or a rebuilt and refurbished hospital on the current site).
- 1.2.4 An extensive site selection exercise commenced in 2012 and reviewed 41 sites across Jersey for their suitability for the provision of a modern general hospital. The site selection process concluded in December 2016 with the adoption by the States Assembly of P110/2016 – 'Future Hospital: Preferred Site' that the most suitable and sustainable site on the Island is the current JGH site.
- 1.2.5 The proposals represent the largest ever public infrastructure projects on the Island, at a cost of £466 million. The funding mechanism for the project along with the Outline Business Case for the future hospital was approved by the States Assembly in December 2017 (P107/2017)

1.3 Planning history

- 1.3.1 Initial proposals for the future hospital were drawn up in 2016-2017, and an outline planning application was submitted on 11 July 2017 (App. Ref. PP/2017/0990). In accordance with Article 12 of the Planning and Building (Jersey) Law 2005, the Minister for the Environment determined that a public inquiry should be held before a decision was reached on the application. The inquiry into the proposed development was held in November 2017.
- 1.3.2 The Planning Inspector's report, published in January 2018, concluded, amongst other things, that the application site area is far too small to accommodate successfully the amount of floorspace proposed, resulting in a massing that caused unacceptable harm to listed buildings, the townscape of St Helier and neighbouring residential amenity. The inspector also indicated that the design process appeared to have been a clinical brief-led approach, instead of a more preferable urban design-led approach. The planning application was subsequently refused by the Minister for the Environment for three reasons – harm to townscape, harm to heritage assets and harm to residential amenity – in line with the Inspector's findings.

1.4 Evolution of the proposals

- 1.4.1 Following the Inspector's conclusions, the JFH team revisited the scope of the project, and resolved that a two phase programme can be undertaken to construct the new hospital. As a result, more land within the existing JGH site is included for redevelopment, leading to a reduced height and massing, which moderates the previously unacceptable planning impacts. A decision to pursue a fully electric hospital has also enabled parts of the site accommodating energy plant to be released for redevelopment. Therefore the new site, which is the subject of this planning application, is significantly larger in area than the previous scheme.
- 1.4.2 To support the comprehensive redevelopment of the JGH site, a decision has also been taken, through engagement with the Department of the Environment, to include the removal/replacement of the two buildings fronting The Parade known as the 1980s and 1960 blocks (see section 2.2 for full description) within the JFH project. Whilst the blocks will continue to provide clinical services during Phase 1 until the first set of new buildings is complete, their removal in Phase 2 will enable the remainder of the JGH site to be developed comprehensively. This move supports the provision of a new hospital building of civic stature and presence that enhances the character of this part of St Helier.
- 1.4.3 The scheme proposals now include Westaway Court, located on Elizabeth Place and Savile Street, as part of this planning application. This site was always part of the healthcare strategy, providing outpatient clinics but was previously anticipated to be the subject of a separate application for planning permission.
- 1.4.4 The proposals submitted in this planning application are a revision of the 2017 scheme, and respond to the issues raised in the Inspector's Report arising from the Public Inquiry.
- 1.4.5 The need to achieve planning certainty and deliver the JFH project before the existing JGH reaches the end of its operational life is critical to meeting future healthcare needs in Jersey. This planning application is for an amended JFH proposal that has been informed by the evidence presented at the Public Inquiry, by the Inspector's findings and through discussions with the Department of the Environment and the Jersey Architecture Commission. It pairs the accepted need argument and clinical brief with a revised design strategy which is more sensitive to its surrounding context.

1.5 The planning application

- 1.5.1 This planning application seeks permission for the revised set of proposals in 'outline'. This form of planning permission establishes whether development is acceptable in principle, while the final form and appearance of buildings will be determined through subsequent submissions known as Reserved Matters ('RMAs').
- 1.5.2 Under the Planning and Building (Environmental Impact) (Jersey) Order 2006, the proposed development is also subject to an Environmental Impact Assessment ('EIA'). An Environmental Impact Statement ('EIS') is submitted in support of the application.

- 1.5.3 The level of flexibility sought in any outline planning application must be balanced against the requirements of the Environmental Impact Assessment regulations to provide sufficient information to enable the 'likely significant effects' to be assessed. In UK case law the Rochdale judgments (R. v Rochdale MBC ex parte Milne (No. 1) and R. v Rochdale MBC ex parte Tew [1999] and R. v Rochdale MBC ex parte Milne (No. 2) [2000]) establish that the level of information submitted should be "sufficient to enable the main or likely significant effects on the environments to be assessed and the mitigation measures to be described" (para 104 of Judgement No. 2).
- 1.5.4 In recent years the established approach to EIA-based outline applications in other jurisdictions has been to prepare a set of Parameter Plans, which identify the elements of a development that can occur within certain limits of deviation, such as development parcels, maximum building heights and key routes, whilst retaining a degree of flexibility for future design stages. This approach was ratified in the Jersey context by the Planning Inspector in relation to the 2017 scheme.
- 1.5.5 At the outline stage, the scheme for approval is controlled by the set of Parameter Plans, which specify the maximum parameters of the development, and a set of binding Design Principles. At a later stage, the Reserved Matters applications will need to be submitted in accordance with the approved Parameter Plans and Design Principles. This approach provides a degree of certainty about the nature of development that will be delivered, whilst enabling a further stage of design development to take place. Although the planning application does not contain as much detail as a full planning application, the Parameter Plans and Design Principles set the overall form and scale of development, and enable the decision-maker to make reasonable judgments about planning and environmental considerations. The Inspector supported this approach in his report.
- 1.5.6 The Design and Access Statement contains an 'illustrative scheme' for the future hospital. This illustration depicts one way in which the Parameter Plans and the Design Principles may be built out, whilst reserving flexibility for the design to vary within the parameters and principles stated. The purpose of the illustrative scheme is to demonstrate how the Parameter Plans and Design Principles work in tandem, and give an idea of how the final buildings are likely to look, before the final stage of design is completed. For the avoidance of doubt, the illustrative scheme is not a final design for which approval is sought, but is provided to aid interpretation of the Parameter Plans and Design Principles. Again, this approach in 2017 gained the approval of the Planning Inspector.
- 1.5.7 The Parameter Plans form the basis of all reports and environmental assessments, and other illustrative material.
- 1.5.8 The application adopts the following approach to the various 'Reserved Matters' that comprise an outline application in Jersey:

| Reserved matters (applied for in outline, supported by parameter plans and Design Principles) | Fixed (applied for in detail, supported by full drawings package) |
|---|---|
| Scale and massing | Means of access |
| Siting | |
| External appearance and materials | |
| Landscaping | |

- 1.5.9 This approach is consistent with Article 19 of the Planning and Building (Jersey) Law 2002 as amended, and with Supplementary Guidance Note 22, which explains how outline planning permission can be applied for in Jersey.
- 1.5.10 Guidance Note 22 explains that "it is usual to select 'Scale and Massing' and 'Siting' as a bare minimum. This is because it is difficult to assess the impact of a new building if no information is provided about its size and position." However, given that the 'Siting' and the 'Scale and Massing' of the proposals are controlled by the Parameter Plans, it is appropriate to seek approval for these matters in outline. This will enable the final massing and building lines to be fixed at RMA stage.

1.6 Submission of Reserved Matters / other applications

- 1.6.1 The submitted Phasing Plan articulates two main phases of development, Phase 1 (including 1A and 1B) up to 2024, and Phase 2, to be delivered after 2025. The intention is to submit RMAs for approval on a phased basis for Phase 1A, Phase 1B and Phase 2, to be controlled by appropriately worded conditions.
- 1.6.2 Separate planning applications may also come forward in parallel with the outline planning application for early delivery/enabling of the Patriotic Street car park works, Edward Place/St Elmo’s plant works, Kensington Place/Westaway demolitions and any other enabling works required prior to the main commencement.

1.7 Content of the planning application

- 1.7.1 This outline planning application comprises the documentation specified in Table 1.1 below.

| Component | Details and description |
|---------------------------------|---|
| Introductory information | <p>Cover Letter</p> <p>Planning Application Forms, Ownership Certificates and Fee.</p> <p>Executive Summary of the Planning Application</p> <p>Floorspace Schedule - defining maximum floorspace in each use class (hospital, medical and retail).</p> |
| Site and Existing Plans | <p>Planning Application Red Line Boundary - Defining the extent of the site in red and any other land in the control of the applicant in blue.</p> <p>Existing Buildings and Structures - identifies those existing buildings and structures on site that are to be demolished / retained in the development.</p> |
| Drawings for approval | <p>Parameter Plans identify the elements of the development that are fixed, or can occur within certain limits of deviation. These define the outline scheme sufficiently for EIA purposes and for assessment against planning policy. Any outline planning permission will be tied to the Parameter Plans, and approval of Reserved Matters applications will be in accordance with these plans. They are:</p> <p>Building Parcels - identifies distinct zones within the site boundary, which by definition shows areas where development will not occur, and building lines.</p> <p>Building Frontages - defines primary, secondary and tertiary frontages, along key perimeter streets and within the site.</p> <p>Building Heights – identifies the maximum building height of parts of each building/parcel, including lower setbacks.</p> <p>Ground Floor Public Realm and Pedestrians - identifies the general diagrammatic structure of the hospital and the network of internal and external routes and spaces.</p> <p>Phasing Plan – showing the parcels to be delivered in Phase 1A and 1B (up to 2024), Phase 2 (2025-2026) and any interim works.</p> <p>Parameter Elevations and Sections – showing the massing envelope and building lines.</p> <p>Highways drawing package – comprising overall Access Strategy diagrams and detailed junction and access drawings, securing detailed approval for Means of Access.</p> |

| | |
|--|---|
| Design and Access Statement (including the 'illustrative scheme') | <p>Cover the concepts that have informed the development and how issues relating to design and access in regard to policy have been dealt with. It sets the direction for how the detailed Reserved Matters scheme will be developed, and provides a full description of the parameter plans and the illustrative interpretation of them.</p> <p>The DAS contains an 'illustrative scheme', showing one way in which the parameters could be built out. This justifies the definition of the parameters, and provides material to demonstrate that the parameters are appropriate in planning policy and EIA terms.</p> <p>The DAS also contains a set of illustrative GA layout plans (1:500) demonstrating for indicative purposes how the development could be configured internally (departments, circulation and functions).</p> |
| Design Principles | The Design Principles form a written 'manual' controlling subsequent design stages alongside the Parameter Plans. They set clear rules and mitigation measures for aspects of the development such as building appearance, setbacks, character, materiality, privacy, landscaping, heritage and facade treatments. Further Reserved Matters applications will be approved in accordance with the Design Principles and the Parameter Plans. |
| Planning Statement | Identifies the context and need for the development and provides an assessment of how the proposals respond to planning policy. |
| The Case for the Future Hospital | Summarises the evidence base, history of decision-making and need case for the JFH project. |
| Statement of Community Engagement | Summarises the process of engagement undertaken on the proposals. |
| Environmental Statement (EIS) and supporting Appendices | Volume I, II and III contain the results of the Environmental Impact Assessment and all supporting information. |
| Transport Assessment and Travel Plan | A full assessment of the transport implications of the development and the overarching transport strategy. |
| Daylight and Sunlight Assessment | A BRE-compliant analysis of the parameter scheme of the impact on neighbouring daylight and sunlight access. |
| BREEAM Pre-Assessment | A Pre-Assessment showing how proposals will achieve BREEAM 'Excellent' in sustainable construction terms. |
| Framework Crime Impact Statement | An assessment setting out the principles that will be applied at the detailed stage to design out crime. |
| Health Impact Assessment | Assesses the construction of a hospital in this location and the health effects that may arise. |
| 3D model | 3D renders of the proposed building illustrating the scheme |

1.8 Land ownership

1.8.1 The application site has four separate landowners:

- JGH site, Westaway Court and 44 Kensington Place – States of Jersey
- Highways where works will be required either to junctions or building in the current highway boundary – Parish of St Helier
- Sutherland Court – REYSCA Holdings Ltd
- Stafford and Revere Hotel – Mr Doran & Mr True.

1.8.2 Negotiations are active and continuing for the acquisition of the Sutherland Court and Stafford and Revere Hotels.

1.9 Pre-application consultation

- 1.9.1 Since January and the refusal of the previous scheme, a positive process of engagement has taken place with officers of the Department of the Environment and the Jersey Architecture Commission, including:
- Weekly pre-application meetings with planning officers, covering topics including design, scale and massing, heritage, transport, amenity and outline application scope.
 - Two presentations to the Jersey Architecture Commission on 21 February and 28 March 2018.
- 1.9.2 The feedback of planning officers and Commissioners has been instrumental in developing the new JFH proposals. In particular, the feedback has focused on refining the massing of the building in terms of visual impact, minimising the impact of the building upon sensitive townscape and amenity receptors along Kensington Place and Newgate Street, defining the healthcare and place-making 'concept' of the buildings including the connection with Westaway Court, the removal/replacement of the 1960s and 1980s blocks, the treatment of the Granite Block, the parking strategy, and positioning the design approach as a detailed response to urban design context as well as clinical needs.
- 1.9.3 The Inspector's Report on the previous scheme and the planning reasons for its refusal have also been a key influence on the evolution of the current scheme proposals.

1.10 Public and stakeholder consultation

- 1.10.1 A public exhibition of the proposals was held in St Helier on 12-17 March 2018, where members of the public were invited to meet members of the JFH project team and view a detailed summary exhibition of the development proposals, and give their comments.
- 1.10.2 The events were attended by more than 400 people, and the feedback received covered a number of topics including how the proposals compared to the previous 207 scheme, its design, location and access, and a desire to 'get on with the project'.
- 1.10.3 Please refer to the submitted Statement of Community Engagement for full details.
- 1.10.4 This event was one stage in a process of ongoing engagement. Members of the public attending the exhibition were asked if they would be interested in joining public workshops during Summer 2018 to contribute to the emerging design in preparation for Reserved Matters planning applications. People were also invited to form a residents' group for liaison regarding neighbourhood impacts.

2 Site Description

2.1 Site Description

2.1.1 The application site comprises two main components in St Helier town centre:

- The 'main site', consisting of the existing JGH site, a number of adjacent properties to be acquired on Kensington Place, and Patriotic Street Car Park. The site lies between the Esplanade and the Grade 2 listed Parade Gardens, surrounded by uses including shops, cafes and businesses and residential properties, with a mixed 19th and 20th century town character.
- Westaway Court, an existing block built in 1976 providing 56 units of residential accommodation for clinical staff. It is situated to the north east of the existing hospital and faces Elizabeth Place, Savile Street and Parade Gardens. While the existing building includes a nine storey tower of 26.4m, its surrounding context is more low scale residential in character.

2.1.2 Surrounding areas of public highway are also included in the application site boundary, where changes are proposed to facilitate the proposed development.

2.1.3 Within the main JGH site, the 'Granite Block' is the original hospital building built in 1860, and is a Grade 1 listed building. The use of the site as a hospital dates back to 1765 when the original hospital was constructed. The current Granite Block replaced the first hospital building in 1860, following a fire. The Granite Block is a fine Grade 1 listed building of granite with elegant facades to all sides. Over time, unsympathetic modern connections to the 1960 Block and the Gwyneth Huelin Wing have been added. Historical records show that there has always been a dense arrangement of functional buildings to the rear of the Granite Block, with a more formal outlook to a front forecourt addressing Gloucester Street. Historically, it has enjoyed a more open setting than its current cramped condition. The Granite Block currently houses radiology, inpatients wards and endoscopy.

2.1.4 The rest of the JGH site has been developed significantly post 1945, accommodating growing functions and departments in a piecemeal fashion and resulting in an uncoordinated group of buildings. In addition to the Granite Block, the JGH site currently comprises the following elements:

- Peter Crill House (1949) - A six storey block housing training and administrative facilities, and 24 bed-sits for the use of hospital staff.
- Gwyneth Huelin Wing (1979) - A four storey block housing outpatient clinics, antenatal clinics, physiotherapy, day surgery, ENT, audiology, ophthalmology, dermatology and renal dialysis. It also has an underground car park, accessed from Newgate Street.
- 1960 Block - A five-storey wing facing The Parade, housing the Emergency Department and theatre suites.
- 1980s Block - An eight-storey building facing The Parade, housing wards, paediatric and maternity departments and the catering unit. This is the tallest block in the local vicinity at 39.6m.
- Engineering Block, Boiler House and Chimney (1980s) – facing Kensington Place.
- Laboratory Block (1980s) – in the centre of the site, housing pathology labs, pharmacy and hospital kitchens.
- Link Block (2007) – a three-storey extension providing day surgery, acute and general administration and HR functions.

2.1.5 The Granite Block forecourt currently houses a temporary operating theatre building, built in 2013 with planning permission until 2023 (App. Ref. P/2013/1186). This situation reflects the at-capacity state of the existing hospital and the need for its replacement. This building obscures views of the Granite Block.

3 Proposed Development

3.1 Description of development

3.1.1 The description of development for which outline planning permission is sought is:

“Outline planning application for the demolition of Stafford Hotel, Revere Hotel, 36-40 and 44 Kensington Place including Sutherland Court, and parts of the General Hospital including: Peter Crill House, Gwyneth Huelin Wing, link block, lab block, engineering block and chimney, 1960s and 1980s blocks on the Parade, temporary theatre block and Westaway Court. Phased construction of new hospital buildings at the General Hospital site and at Westaway Court, refurbishment of the Granite Block for continued non-clinical hospital use, improvements and construction of one half-deck of parking to Patriotic Street Car Park, and all associated landscaping and public realm, highways and access, plant and infrastructure works. Fixed matters: Means of Access. Matters reserved (by parameter plans): Scale and Mass; Siting; Landscaping; Appearance and Materials.”

3.1.2 To facilitate the scheme, separate planning applications may come forward in parallel with the outline planning application for early delivery/enabling of the Patriotic Street Car Park works, Kensington Place/Westaway demolitions and any other enabling and plant works that are required in advance of the main construction and operation. For the avoidance of doubt, these are all assessed as part of the EIA.

3.2 Scheme components

3.2.1 The application proposals comprise:

- Demolition of existing buildings on two sites (Stafford Hotel, Revere Hotel, 36-40 and 44 Kensington Place including Sutherland Court, Peter Crill House, Gwyneth Huelin Wing, Link Block, Lab Block, Engineering Block and chimney, 1960 and 1980s blocks facing The Parade, temporary theatre block and Westaway Court)
- Block A – erection of a building fronting Kensington Place with a podium level accommodating clinical departments and wards above, rising to four storeys (ground+3 max 20.6m) at its highest and stepping down to three storeys (ground+2, max 15.6m) at the street frontage. This will be the first block delivered in Phase 1A. The primary entrance will be from Kensington Place, with a link from Patriotic St Car Park, and a service block to the south-west.
- Block B – erection of a building occupying the centre of the site, with frontages to Gloucester Street and Newgate Street, and to the rear of the Granite Block, comprising a three storey podium level accommodating clinical departments with three storeys of wards above, rising to a maximum of six storeys (ground+5) plus a non-occupied plant/flue level above (max. 34m). The primary entrance and active frontages including retail uses faces Gloucester Street, with a secondary pedestrian entrance and upper level link from Patriotic Street Car Park. It will be delivered in Phase 1B. During the interim phases, this building will provide the main hospital entrance, with an interim patient dropoff in front of the Granite Block. There is a permanent dropoff and ambulance bay for ED vehicles on Newgate Street.
- Block C – a non-clinical frontage building of three storeys, connecting the central Block B to The Parade via new hospital gardens, public realm and patient drop-off zone. This building will serve as the main hospital entrance once Phase 2 is complete, replacing the decommissioned 1980s block, after clinical departments have transferred to Block A and B.
- Granite Block – the existing 1860 Grade 1 listed hospital building will be retained for non-clinical hospital use such as offices, delivery of education and meeting rooms, and refurbished to reverse harmful later extensions and adaptations. The principal facades restored to their historic appearance, so far as is practicable. Its forecourt will be restored to a high-quality amenity space which is accessible to hospital users, staff and members of the public, removing the temporary theatre block and existing car parking area.
- The site of the existing 1960 block will be cleared and landscaped as hospital gardens.
- Patriotic Street Car Park – alterations to the existing car park and addition of one half deck of car parking (58 spaces). Provision of an upper level connection to Block A in Phase 1A, with an

anticipated connection to the main ambulatory spine of Block B during Phase 1B. Relocation of the vehicle egress from Newgate Street to Patriotic Street.

- Westaway Court – a new building for outpatient use fronting Elizabeth Place and Savile Street, rising to 2, 3 and 4 storeys, with vehicular access/egress onto Savile Street and a layby for Patient Transport Services on Elizabeth Place.
- Offsite highways works including junction improvements to accommodate construction traffic, drop-offs for pedestrians, Patient Transport Services and Emergency Department ambulance vehicles, and traffic flow rearrangements, new/improved pedestrian crossings and footways, extension to Newgate Street for hospital use and ambulance lanes.
- Provision of staff/visitor cycle parking and site wide public realm works.
- Utilities works including the provision of a substation to the rear of Edward Place.

3.3 Phasing

3.3.1 The scheme will be delivered in two main phases. Phase One will accommodate all clinical functions in Block A and B, then once these areas are operational by the end of 2024, Phase Two can proceed with the demolition of the remaining buildings, the construction of Block C, refurbishment of the Granite Block and the completion of landscaping and public realm works by 2026/7.

| Phase One (2019 to 2024) | | Phase Two (2025-2026/7) |
|---|--|--|
| Phase 1A | Phase 1B | |
| Enabling works, offsite highways Substation to the rear of Edward Place (St Elmo's) Block A including Service Block – Kensington Place Patriotic Street Car Park works Westaway Court | Enabling works, offsite highways Block B – Central Block Construction dropoff on Newgate Street Construct interim dropoff at Granite Block for use when Block A/Block B operational Ambulance Bay for the Emergency Department on Newgate Street | Demolition of 80s block Block C - frontage block, Parade dropoff and landscaping of 80s plot, including making good / screening the flank wall of Edward Place Demolition of 60s block and temporary theatre Landscaping of 60s plot and Granite Block forecourt, releasing the interim dropoff Interior and exterior refurbishment of the Granite Block for continued hospital (non-clinical) use |

4 Planning Policy and Legislation

4.1 Introduction

- 4.1.1 The legal framework for the planning system in Jersey is captured in the Planning and Building (Jersey) Law 2002. The planning system is 'plan-led', and the Revised 2011 Island Plan (2014) is the primary basis for deciding planning applications, supported by supplementary guidance.
- 4.1.2 Article 19 of the Planning and Building (Jersey) Law 2002 states that in general, planning permission shall be granted where development is in accordance with the Island Plan. However, planning permission may also be granted where the proposed development is inconsistent with the Island Plan if there is sufficient justification for doing so. All material considerations shall be taken into account in the determination of an application.

4.2 The Revised 2011 Island Plan (2014)

- 4.2.1 The SoJ adopted the Island Plan in 2011 and revised it in 2014. The Revised 2011 Island Plan (2014) is a comprehensive policy document setting out strategic objectives for Jersey, along with detailed development management policies to inform and guide the nature of development schemes.
- 4.2.2 The Island Plan has primacy in decision making, however all material considerations must be taken into account in the decision making process.
- 4.2.3 A summary of all relevant Island Plan policies is contained in **Appendix 1** of this Planning Statement.

4.3 Supplementary Planning Guidance

- 4.3.1 The following Supplementary Planning Guidance, Advice Notes and Practice Notes are considered to be of material relevance to the scheme:
- SPG Advice Note No.2 Development of Potentially Contaminated Land, 2005)
 - SPG - Bats Buildings and The Law
 - SPG 'Managing Change in Historic Buildings' (June, 2008)
 - SPG Planning Policy Note 1 – Archaeology and Planning (2008)
 - SPG Design Guidance for St Helier Design (2013)
 - St Helier Urban Character Appraisal (2005)
 - Planning Advice Note No.4 – Design Statements (2006)
 - Advice Note – Site Waste Management Plans (2013)
 - Practice Note 21 – The Jersey Architecture Commission (April 2014)
 - Practice Note 22 – Outline Planning Applications and the submission of reserved matters (Jan 2017)
 - Advice Note – Protection of Employment Land (June 2012)
- 4.3.2 The next section of this Planning Statement presents the strategic objectives and policies that are of key relevance to this application, and provides an assessment of the proposals against these policies.

5 Planning considerations

5.1 Principle of development and land uses

- 5.1.1 The need for a new hospital for Jersey was articulated in Proposition P.82/2012 'Health and Social Services: A New Way Forward', and the site selection exercise endorsed in P110/2016 'Future Hospital: Preferred Site'. There is a consensus within the States Assembly, ratified by the Planning Inspector, that a new hospital is essential, and programming must commence now to ensure delivery before the existing JGH reaches the end of its functional life. The demographic and operational needs have been well evidenced, as summarised in the supporting document, The Case for the Future Hospital. Proposition P110/2016 demonstrates the political endorsement of the JFH proposal, the project brief and the site selection process.
- 5.1.2 The previous JFH proposal (PP/2017/0990) failed to secure planning permission because of site specific constraints relating to massing rather than opposition to the principle of development in this location. Indeed, in his previous decision the Minister for the Environment concluded that the location is spatially appropriate for the hospital.
- 5.1.3 In sustainable development terms, the location of the hospital in central St Helier offers the following benefits and fits with the strategic direction of the Island Plan:
- Contribution to the regeneration of St Helier, supporting the Island Plan sustainability objective of directing development to the Built Up Area, and recycling a large town centre brownfield site.
 - Contributing vitality and trips to St Helier's town centre, retaining activity in the town centre and helping to counteract the displacement of town centre activities to the Waterfront.
 - Improvements to navigation and legibility across this part of the town, with the provision of a new civic building that acts as a landmark, and stitches together the townscape with a more coherent building form, enhanced routes and spaces.
 - A sustainable location in transport terms – the location supports and encourages sustainable transport choices, rather than visitors and staff relying solely on car travel. This will be increasingly important as society transitions towards more sustainable lifestyles to counteract climate change.
- 5.1.4 The location also accords with Policy SCO2, which requires new healthcare development to be located within the grounds of existing healthcare facilities and within the Built-Up Area.
- 5.1.5 The proposals respond to a key strategic development need. The JFH will create a modern healthcare facility with new clinical and care facilities, such as single patient rooms, resulting in significantly improved healthcare outcomes. The Case for the Future Hospital document reinforces that replacement facilities are urgently needed, and continued reliance on the existing estate is not an option.
- 5.1.6 The proposal will include a small portion of Class A and B retail and shop uses, in order to provide active frontage and facilities to hospital users. These are suitable for this location.
- 5.1.7 The replacement of existing buildings on Westaway Court and Peter Crill House will result in the loss of housing used by medical staff (56 units and 24 bedsits respectively), as well as 15 residential units on Kensington Place. Policy H11 resists the loss of housing unless it is demonstrated that the value of development to the Island outweighs the reduction in housing stock. The value of the JFH development to the island is clearly demonstrable; additionally Chapter 14 of the EIS (socio-economics) explains how relocation of the medical staff dwellings as part of the key worker strategy will mitigate the loss, whilst displaced residents and businesses on Kensington Place will be supported to find alternative accommodation.

5.2 Design

- 5.2.1 Good design fosters wellbeing, and a hospital is a place that must promote and encourage wellbeing.
- 5.2.2 The design of a new hospital has many drivers: clinical, urban, and civic, in the sense of contributing to both place-making and community identity. It is an important environment that plays a key role in people's lives, in their health outcomes, and in the quality of experience that patients and their families

receive at pivotal and often vulnerable times. Above all, it is a place that must champion the idea of wellbeing and put care at its heart.

- 5.2.3 In planning terms, design is about creating good places. Urban development of a significant scale must respond to a range of policies relating to design, character, townscape, visual impact, tall buildings and neighbourliness. The development of the current proposals has balanced these planning considerations with the needs of the clinical content of the future hospital, in pursuit of a high quality healthcare environment, and a set of landmark quality buildings that make a positive contribution to St Helier. In Jersey, these policies include:
- SP7: Better by Design
 - GD7: Design Quality
 - BE1: Built Environment Objectives
- 5.2.4 As the JFH proposals are submitted in outline, the final design is reserved for later approval. However, given the sensitive urban context, the scale of the project and the need to assess its environmental impacts, a set of Design Principles has been formulated which secures design commitments that shall be realised in subsequent design stages. These Design Principles address the key criteria enshrined in Policy GD7, and evidence that the overarching objective of Policy SP7 for *'all development to be of high design quality that maintains and enhances the character and appearance of the area of Jersey in which it is located'* will be met.
- 5.2.5 Through a period of pre-application engagement with Department of the Environment officers and the Jersey Architecture Commission, a thorough design process has taken place to define an appropriate scale and form of development which responds to the sensitive setting, local and longer views, and the relationship to other buildings and St Helier character. Proposed techniques and interventions such as setbacks and façade articulation will minimise impacts to surrounding street character, heritage assets, and neighbours' daylight and privacy. The JFH design has evolved to incorporate a series of landscaped spaces and a coherent 'diagram' of key routes and courtyards that will break the main site proposal into a group of buildings, and connect its internal spaces into the local streetscape, and to Westaway Court.
- 5.2.6 The proposals present a much improved aspect to Parade Gardens, replacing the unattractive 1960 and 1980s buildings with a high quality new frontage. This will define a new civic landmark in the St Helier townscape and skyline. Townscape is discussed in more detail in section 5.3.
- 5.2.7 The proposals include therapeutic spaces that will enhance the wellbeing of the hospital's users. These include around 1,300sqm of outdoor garden and public realm space, and roof decks for ward patients to enjoy access to open space. The distinction of podium and skyline levels creates a more peaceful upper level, where wards (main wards in Block B and private wards facing Kensington Place) will enjoy views out to sea. Wards will consist of individual rooms, which will vastly improve the privacy and end of life care that can be offered, and improve infection control. At Westaway Court, the provision of a courtyard and outdoor gym will enhance the clinical provision. The removal of surface level parking and provision of buildings of better design quality than the existing condition will improve the appearance of the area.
- 5.2.8 The functional connectivity between the main site and Westaway has been debated. Although visits to the two sites are unlikely to be directly related (one serving acute and the other long-term conditions), the two sites will relate aesthetically as a 'family' of buildings. Each will then respond to its specific context, drawing cues from the surrounding streets and urban grain to articulate their final appearance. Pedestrian access points into both sites have been positioned to link to existing paths through Parade Gardens, creating a direct pedestrian access between the two sites. The delivery of the JFH and its improved aspect to Parade Gardens may in turn provide a catalyst for future improvements and increased activity within this important town centre open space.
- 5.2.9 A Framework Crime Impact Assessment is submitted which explains how the development will be designed to facilitate the security and safety of its users.
- 5.2.10 In summary, the design of the proposals is a positive response to the urban design context of St Helier, and the civic and clinical challenge of designing a modern hospital. The resulting proposal is wholly consistent with the criteria of Policy GD7 and other related design policies.

5.3 Townscape and visual impact

5.3.1 Policy BE5 deals with proposals for tall buildings, which are defined as those greater than 18m in height or exceeding neighbouring buildings by seven metres (with an additional 2 metres allowed for plant). Tall buildings in St Helier ‘*will only be permitted where their exceptional height can be fully justified, in a Design Statement, in urban design terms. Development which exceeds the height of buildings in the immediate vicinity will not be approved*’.

5.3.2 The following criteria are provided for the assessment of proposals:

- Appropriateness to the location and context;
- Visual impact;
- Impact on Views;
- Design Quality; and
- Contribution to the character of St Helier

5.3.3 The main site proposal rises to a maximum height parameter of 34m (30m plus a 4m zone for plant and flues), and therefore qualifies as a tall building. The Westaway part of the proposal rises to a maximum height parameter of 17.9m, and at 6.5m higher than the adjacent Maison Le Pape building, does not qualify as a tall building.

5.3.4 The proposals are the subject to a full Townscape and Visual Impact Assessment, contained in the EIS. The following paragraphs respond directly to the criteria of Policy BE5.

5.3.5 The main site proposal adopts a stepped design to reduce the impact of the massing at sensitive street frontages and adjacent to the Granite Block, with a podium level of 15.6m. This design approach, articulated in the Design Principles, will reduce the impact of the building on streetscapes and wider views.

5.3.6 The following table sets out the justification for the proposed height of the main site against the Policy BE5 criteria. This is supplemented by a visual analysis contained in the Design and Access Statement.

| Policy BE5 criteria | Response |
|--|--|
| 1. Appropriateness to location and context | <p>The reuse of the existing hospital site retains a key functional piece in the urban structure, long established in this location. The hospital is a major local landmark and a recognisable public facility, which should be expected to contribute something visible and recognisable within the townscape.</p> <p>The hospital site (and adjacent prison site) have historically been large plots in the urban grain. A proposal for a large building does not change the perception or rhythm along Gloucester Street, Newgate Street or the Parade. However, the extension of the site towards Kensington Place involves replacing buildings in a much finer-grained setting, with narrower plot widths and a historic character. The design of Block A must address the existing context carefully, through articulation, views of internal openings to sky, setbacks and vertical/layered façade emphasis to break up the long horizontal span of the building, and put back something of equivalent quality and rhythm to the current street character. It is considered that this can be successfully controlled through the Design Principles, and the maximum 15.6m stepped podium height at the building edge.</p> <p>In height terms, the proposed building rises to max six storeys plus plant zone (totalling 34m) but steps down to three storeys (15.6m) at its street frontages and adjacent to the Granite Block. The SPG guidance for Character Area 7 (Parade and Esplanade), suggests that heights in Area A of up to 6 storeys, and in Area B ‘as existing’, may be considered appropriate. In reality, these sub-areas support</p> |

| | |
|---|---|
| | <p>a mix of heights, reaching 39.6m with the 1980s block, and reducing to 2.5-3.5 storeys in the surrounding streets. The local townscape is punctuated by taller 20th century buildings including the 10-storey Marina Court and 9-storey Cyril le Marquand house, and therefore possesses a degree of tolerance to the introduction of new buildings of substantial scale. The JFH proposal will replace the 1980s block with something of lower and more contextually articulated design. This will help to remedy what the SPG describes as ‘the impact of uncoordinated overscaled architecture’.</p> |
| <p>2. Visual impact (defined in St Helier Design Guidance SPG as visual impact on distinctive character areas, layers of built form, backdrops and silhouettes)</p> | <p>The proposal is replacing an uncoordinated and fragmented group of buildings with a single architectural proposal, which can address the surrounding townscape more coherently. The quality of the building’s appearance will be detailed through the Design Principles, offering varying characters for the facades addressing Kensington Place, Gloucester Street, the Parade and Newgate Street.</p> <p>The removal of the 1960s and 1980s buildings greatly enhance the townscape views from the Parade and in wider views across the town, as well as enhancing the setting of the Granite Block.</p> <p>Block B will alter the backdrop of the Granite Block, with the setback roofline of Block B just rising above the Granite Block in local views from Gloucester Street. The treatment of the roofline will ensure that the impact will be modest, and will be addressed in the Design Principles so that it is complementary in quality to the listed building and creates an interplay of modern and historic.</p> <p>The proposals will substantially change the narrow and historic character of Kensington Place, although this will be partly mitigated through the detailed design of the facade. However, the townscape impacts must be considered “in the round”, and include the substantial enhancements to the character of Parade Gardens, to views of the Granite Block, and to the overall townscape by replacing an uncoordinated group of existing buildings with a single coherent scheme. On balance, the overall effect on local views and character, weighing these positive and negative impacts, is neutral.</p> |
| <p>3. Impact on views (defined in SPG as to and from established landmarks, hills and skylines, strategic views from major access routes and public vantage points)</p> | <p>The views analysed in the TVIA demonstrate that the proposed massing falls within the existing townscape’s tolerance to accommodate buildings of substantial scale without detriment to key views and skylines. Replacing the existing tall buildings and chimney on both sites will be beneficial. The proposal repairs the town skyline, and retains views from elevated locations of the surrounding landscape. There would be no material obstruction of views towards key landmarks. A large building is an appropriate approach for an important public facility, which should be visible as a landmark.</p> |
| <p>4. Design quality</p> | <p>The buildings will be designed in response to their context, and will adopt a suitable materiality, rhythm and architecture that reflect and build on the local character, whilst also expressing a key public landmark. These detailed approaches are captured in the Design Principles. This will require a contextual approach to different facades and parts of the site.</p> |
| <p>5. Contribution to the character of St Helier</p> | <p>St Helier has a highly eclectic townscape, reflecting its long history of development (and redevelopment). This has produced a townscape where historic and smaller-scale buildings are juxtaposed with relatively tall, large-footprint buildings, several of which function as landmarks. Whilst this process</p> |

| | |
|--|--|
| | <p>has had some adverse effects, it has also created opportunities. The key requirement is to ensure that new proposals contribute to the legibility of the townscape, deliver a demonstrable degree of enhancement and are “good neighbours” in design terms.</p> <p>The piecemeal redevelopment of the urban ‘block’ consisting of the hospital site, the former prison and the warehousing area that connects Parade Gardens to the Esplanade has, during the 20th century, treated the surrounding 19th century streets unsympathetically. A more pleasant ‘character’ survives in those streets, providing an opportunity for the proposals to find contextual references that mediate between 19th and 21th century scale and architecture. This aspiration is reflected in the following key design strategies:</p> <ul style="list-style-type: none"> • Forming a substantially enhanced frontage to the listed Parade Gardens in place of the 1980s and 1960s blocks and the chimney. • Removing the uncoordinated and cluttered array of existing buildings with little architectural merit or synthesis, and replacing them with a calm and coherent design concept. This is public and civic in nature, and welcomes people. • Stepping the massing down and articulating a series of contextual, layered frontages that disguise the bulk of what is necessarily a big building in terms of function, by drawing explicit reference in the design of each façade to the grain, rhythm and scale of the facing streets (Kensington Place, Patriotic Street and Gloucester Street). • Creating a significantly enhanced setting for the Granite Block, removing its harmful alterations and restoring its interior, exterior and forecourt, pursuing a successful integration of complementary modern and historic elements. • Repairing the skyline in longer views with a simple, calm roofline. <p>The new hospital offers an opportunity to create a scheme of demonstrable quality that enhances the overall character of the town. This includes achieving the following beneficial urban design aspects:</p> <ul style="list-style-type: none"> • Identifies the hospital as a key public landmark, to aid navigation and legibility • Improves and enhances local distinctiveness, especially the visible entrances and frontages • Contributes positively to the spatial structure of this part of the town • Builds a positive relationship around Parade Gardens with new gardens and public space • Enhances the setting of the Granite Block by opening up its forecourt and removing additions • Provides vitality and vibrancy, retaining trips to the town centre • Improves public connectivity and linkages through the site to aid routes through the town. • Maintains strong building lines to reflect adjoining street patterns • Provides a hospital environment that Islanders can be proud of and fosters wellbeing • Removes ground level private parking, to be replaced with public realm and landscaping. |
|--|--|

5.3.7 As a result of the above justification and the urban design strategies described in the DAS, it is considered that the proposals fulfil Policy BE5’s exception criteria, so that a building of more than 18 metres is acceptable in this location and, specifically, that exceptional circumstances are justified for this important public building.

5.3.8 The final part of Policy BE5 states that any development which is higher than the immediate vicinity will not be permitted. The existing 1980s block at 39.6m is taller than the proposal, but given its harmful

effect on the skyline, its removal will be beneficial to St Helier's townscape. In its place, a carefully mediated roofline will sit at an appropriate height within the varied roofscape of the area.

- 5.3.9 These strategies are also consistent with Policy GD5 which protects skyline, views and vistas, and the setting of landmark and listed buildings and places.
- 5.3.10 Policy BE10 is concerned with roofscape, and prevents plant being installed where it projects above the roofline. The proposal includes a floor of rooftop plant, which is essential to the functioning of the JFH. This plant will be enclosed within a built structure, so that it will not be harmful to the skyline as a visible addition above the building. The Parameter Plans position the plant zone towards the centre of the new block, and set back from the visible edges of the roofline.
- 5.3.11 Overall, consistent with the need for a hospital to be a large building with a civic function, the proposals will change aspects of the St Helier townscape, resulting in some beneficial and some adverse impacts. In balancing these, it is concluded by the TVIA that the net effect is neutral. Whilst there may be non-compliance with planning policy in some instances, overall the beneficial aspects balance these out to have a net neutral effect, which is considered acceptable in policy terms.

5.4 Heritage and archaeology

- 5.4.1 The impact of the proposals on the historic environment has been carefully considered. The evolution of the design proposals has been supported by a full assessment and understanding of the significance of the Grade 1 listed Granite Block and the other heritage assets surrounding the site, and how sensitive aspects should be protected and enhanced by the opportunity inherent in redeveloping the JGH site.
- 5.4.2 The JFH proposal will directly impact the Grade 1 listed Granite Block, and will affect the setting of several surrounding listed buildings in the neighbouring streets, the listed Parade Gardens, and more distant views from landmark heritage assets. These impacts range from major to slight, and from beneficial to adverse, and are fully catalogued in the Heritage Impact Assessment ('HIA') and the accompanying ES chapter. The site itself is considered to be of archaeological interest.
- 5.4.3 The relevant policies for assessing the impact of the proposal for impact upon heritage assets are:
- SP4: Protecting the natural and historic environment;
 - HE1: Protecting Listed Buildings and places;
 - HE4: Preservation of archaeological resources; and
 - SPG Note 1: Archaeology and Planning
- 5.4.4 Policy SP4 states that '*a high priority will be given to the protection of the Island's natural and historic environment.*' This encompasses both historic buildings and archaeology and sets the overall high level of protection for heritage assets articulated in Policies HE1 and HE4.
- 5.4.5 Policy HE1 sets a high bar for heritage preservation, stating that '*proposals which do not preserve or enhance the special or particular interest of a listed building or place and their settings will not be approved.*' However, the policy does anticipate exceptional circumstances where the loss of the fabric of a listed building may be acceptable; therefore, the very stringent test must be tempered by the recognition of exceptional circumstances being acceptable, with appropriate mitigation. The preamble to Policy HE1 also sets out the context that changes to the historic environment are inevitable, and it is accepted that historic and modern aspects can be complementary with careful attention to design. Securing the ongoing sustainable use of historic assets is a key priority.
- 5.4.6 The General Hospital (the Granite Block) is a Grade 1 listed building, which is the highest level of protection afforded to listed buildings in Jersey. The list description includes the main building, forecourt and entrance lodge. The JFH proposal will have both positive and negative impacts upon the fabric and setting of this listed building, as follows:
- The proposed relocation of training facilities to the Granite Block will secure the future use of the building for non-clinical healthcare purposes, delivering a beneficial impact in continuing the building's long tradition of hospital use;

- The removal of modern glazed linking structures and the reinsertion of original style doors and windows will benefit both fabric and setting;
 - The proposed public realm works will reinstate the historic forecourt garden, functioning as a hospital garden for patient and visitor use. High quality landscaping will replace the existing hardstanding and vehicle use and temporary theatre building, the overall impact of which will be to significantly increase the visual prominence of the listed building from Gloucester Street and the Parade;
 - Retention of the boundary wall on Gloucester Street;
 - Block B of the JFH will be a significant building sited behind the Granite Block. The scale and massing will be significantly greater than the current form of JGH. The proposal articulated in the Parameter Plans will include an 11.5m offset from the listed building to the upper ward levels and a 6.4m offset to the podium. This is a significant improvement to the massing of the 2017 JFH scheme, but will still result in some adverse impact to the Granite Block's setting.
- 5.4.7 Section 7.2.2 of the HIA assesses the overall impact to the setting of the Granite Block. It concludes that any adverse impact to the setting of the Grade 1 listed building through the increased mass of the new buildings will be more than offset through the removal of various extensions and linkages which currently have a major adverse effect on its appearance, and by beneficial impacts to its courtyard and the opening up of its setting by removal the buildings it is currently crowded by. At this stage, the potential heritage benefits are secured by a set of binding principles contained in the Design Principles. These include the early production of a Conservation Statement, later developed into a Conservation Management Plan, to guide the restoration of the Granite Block.
- 5.4.8 There are listed buildings in the neighbouring streets, ranging from Grade 2 to 4, and with the exception of Jersey Opera House, many are listed primarily for their townscape value. These listed assets are focused in:
- Edward Place
 - Kensington Place
 - Gloucester Street
 - Elizabeth Place
 - Savile Street
 - Rouge Bouillon; and
 - Peirson Road.
- 5.4.9 The HIA concludes that there is potentially some adverse impact on the setting of listed buildings in these neighbouring streets, most noticeably in Kensington Place where there is a significant contrast between the domestic scale of the remaining 19-century houses on the west side of the street and the scale of the proposed Block A. The setting of these buildings, specifically the Grade 3-listed 5 Kensington Place, is already compromised by unattractive buildings on the hospital site, and so these impacts are capable of being mitigated through design. In Gloucester Street, the slight increase in proximity of Block B to the street can be offset by improving circulation and ground-level activity along this frontage. In Edward Place, the removal of the 1980s block and its replacement with a set back entrance block of 15.6m will result in a major beneficial effect on the setting of the listed terrace. These mitigation methods are secured through the Design Principles, which will ensure the implementation of a varied and human scale street scene on Gloucester Street, an articulated façade on Kensington Street, and a tiered building form with setbacks.
- 5.4.10 In terms of distant views from landmark heritage assets, the upper levels of the new development will be visible in longer views, including those from Westmount, Almorah Crescent and Fort Regent, and to a lesser extent from Elizabeth Castle and Noirmont. However, the top of the proposed hospital will be lower than the existing 1980s Block and will be seen in the context of a varied local townscape which already includes numerous buildings of similar height.
- 5.4.11 The proposed building on the site of Westway Court will appear larger than the existing buildings, although its maximum height will be 5.4m lower than the existing 9-storey tower. The new development promises to be better related to surrounding streets, replacing existing buildings which are of low quality, poorly related to their surroundings and cluttered with surface level parking. The overall effect on the setting of listed assets, including Parade Gardens and properties in Elizabeth Place, Rouge Bouillon, Savile Street and Hampton Place, is considered to be neutral.

- 5.4.12 Policy HE5 requires that ‘where it is determined that the physical preservation of archaeological resources in situ is not justified, the Minister will ensure, through the use of planning obligation agreements and/or planning conditions’. The Cultural Heritage Assessment in the EIS concludes that there is the potential for archaeological remains to be present on the site and that these will be lost as a result of the development. Given the high level of previous impact, the loss of potential buried archaeology is likely to be localised and limited to deposits of low significance. In accordance with Policy HE5 and SPG Note 1: Archaeology and Planning, it will be possible to secure an acceptable programme of archaeological work via planning condition.
- 5.4.13 In summary, based on the current information, a conservative assessment is that the overall heritage impacts are considered to be beneficial to heritage interests. Further detailed design work based on the design principles and heritage commitments could further mitigate any adverse impacts and confirm that the development is capable of yielding considerable benefits to heritage.

5.5 Residential amenity – daylight and sunlight

- 5.5.1 The two parts of the application site are surrounded by a mix of residential and commercial properties in close proximity. Policy GD1 protects the amenity of neighbours, and in particular, specifies that a proposal must take steps to ensure that it:

“does not unreasonably harm the amenities of neighbouring uses, including the living conditions for nearby residents, in particular;

a. not unreasonably affect the level of privacy to buildings and land that owners and occupiers might expect to enjoy;

b. not unreasonably affect the level of light to buildings and land that owners and occupiers might expect to enjoy.”

- 5.5.2 The policy test is to avoid ‘unreasonable harm’ to levels of amenities which owners ‘might expect’ to enjoy. This is a matter of judgement, and in the absence of specific Jersey guidance, a quantitative and qualitative assessment of the impacts on daylight and sunlight availability has been carried out by Arup using the industry accepted Building Research Establishment (BRE) guidance, the methodology used to assess the impact of development proposals on daylight and sunlight in England. This report, submitted in support of the planning application, tests the existing and proposed levels of daylight and sunlight of all surrounding occupiers before and after the construction of the new buildings, to understand the magnitude of impacts.
- 5.5.3 The BRE guidance is a tool to assist design, and the guidance stipulates that the numerical values it recommends can be interpreted flexibly depending on the local context. Such interpretations of the BRE criteria are routinely applied in assessments in England. The Arup report includes a benchmarking exercise to apply the BRE criteria to the existing context of the site in St Helier. This assists in judging the policy test of what may ‘reasonably’ be expected.
- 5.5.4 The submitted quantitative assessment has been carried out using the BRE values, and presented with an accompanying qualitative narrative explaining how the results merit interpretation in the St Helier context. This approach has been adopted in order to be transparent about the extent of adverse impacts, particularly given the conclusions of the Planning Inspector in relation to the 2017 scheme, with the results aiming to put in context the overall performance of the scheme, and then judge its consistency with the Policy GD1 test.
- 5.5.5 This BRE assessment has been used iteratively to inform the revised massing of the scheme and the setting of the proposed maximum parameter envelope. Setbacks to the maximum parameter envelope have been applied to minimise impacts to the extent that is possible at this stage, but it should be noted that the assessment of the maximum parameter is a worst case assessment that exaggerates the final building massing. Further mitigation of residual adverse impacts to particular properties may be achievable at the detailed design stage, and a Design Principle has been developed to show how this would be taken forward. A further daylight and sunlight assessment of the final built form will be carried out at the Reserved Matters stage, where the issue can be more accurately assessed. For the purposes of the outline assessment, the maximum parameter envelope has been optimised, and the results presented clearly for consideration.

- 5.5.6 The outline assessment results show a number of major adverse impacts to neighbouring occupiers on Newgate Street and Kensington Place, particularly where large buildings are replacing very low scale development which is not wholly characteristic of the urban area. On Newgate Street, dual aspect flats with bedrooms facing the proposed development (Metro Apartments) form the majority of affected receptors, and these are considered less sensitive receptors than living rooms and kitchens. In these instances, some qualitative judgment about the reasonableness of the reported impacts should be applied.
- 5.5.7 Overall, the scheme performs well given that it is a large scale building. Of the 1429 receptors (windows) analysed, 84% are compliant with the BRE's daylight target of 27% VSC or 80% of existing daylight received. The submitted report also puts forward a justification for a lower target than 27% being acceptable, based on benchmarked characteristics in the St Helier urban context (a BRE approved approach that is commonly applied in the UK). When a target of 15% VSC is assessed, 93% of receptors pass. When a target of 10% VSC is assessed, 99% of receptors pass. Values of 10% VSC or less are already present on the lower floors of buildings in the immediate context. Therefore whilst the numerical results show a degree of impacts, it is reasonable to conclude that at a more appropriate target these impacts become minimal.
- 5.5.8 For the avoidance of doubt, the scheme will lead to adverse impacts in sunlight and daylight terms. Although the qualitative interpretation suggests many of these impacts are 'reasonable', it is accepted that residual impacts mean the development does not comply with Policy GD1. The applicant team have taken all possible steps to minimise these impacts to a small percentage overall, and will continue to seek solutions at the detailed design stage. It is acknowledged that some of these impacts are unlikely to be improved through mitigation, and must be considered as residual adverse impacts. In other instances, impacts will be resolved through mitigation. Whilst there is a soundness to the justification that some impacts can be considered reasonable, the residual non-policy compliance will need to be weighed in the balance against the positive benefits of the scheme.

5.6 Residential amenity – privacy

- 5.6.1 Policy GD1 also protects the privacy of neighbouring occupiers, which may be an issue where the proposed developments face existing buildings across narrow streets.
- 5.6.2 The privacy of neighbouring residential properties (and views from adjacent properties into the hospital) is a relevant concern relating to three key adjacencies: Kensington Place; Newgate Street and the residential properties on Savile Street opposite Westaway Court. The Design Principles set out mitigation measures that will be used to establish an appropriate solution to ensure privacy based on locations / internal uses:
- Ground Floor: irrespective of internal use no restriction will be imposed on the extent of clear glazing at ground floor level.
 - Departmental Areas: All clear glazing will have interstitial blinds within the glazing systems which will be provided for solar control and for privacy.
 - Ward / Inpatient Rooms: All clear glazing will have interstitial blinds within the glazing systems which will be provided for solar control and for patient privacy.
 - Public Spaces: where located in close proximity of a facing residential window obscured glazing, interstitial blinds, external brise-soleil and/or balustrading may be used to mitigate any impact on neighbours' privacy. To all other areas no restriction will be placed on extent of transparent glazing.
 - Roof deck areas, set-back balustrades will be installed to prevent overlooking.
- 5.6.3 These mitigation measures are controlled by the Design Principles and will ensure that the detailed scheme will protect neighbours' amenity, consistent with Policy GD1.

5.7 Traffic, transport and access

- 5.7.1 The JGH site is well served with transport links both within St Helier and with the rest of Jersey, and already integrated into the St Helier traffic system, requiring only relatively modest highway works to accommodate the JFH proposal. The key policies within the Revised Island Plan for assessing the traffic, transport and access implications of a proposal are:

- SP6: Reducing dependence on the car;
- TT2: Footpath provision and walking routes;
- TT4: Cycle Parking;
- TT5: Road safety;
- TT8 Access to better public transport;
- TT9: Travel Plans; and
- TT10 Off-street parking in St Helier.

- 5.7.2 The site is sustainably located within St Helier, giving access to a range of sustainable transport options and therefore the proposal complies with Policies SP6, TT2, TT4 and TT8. A framework travel plan for the JFH is submitted with this planning application, in accordance with Policy TT9.
- 5.7.3 The Transport Assessment submitted in support of this application demonstrates that the proposal does not significantly alter traffic flows, as the new hospital directly replaces existing functions. As the proposed amendments to the local highway network are very limited and serve to accommodate construction traffic, this will not introduce any highway safety concerns or introduce conflict between pedestrians and drivers. The proposal therefore complies with Policy TT5.
- 5.7.4 In order to contribute towards the objective of reducing peak hour congestion by 15%, Policy TT10 indicates planning permission for new additional off-street public parking spaces will not be permitted in St Helier unless the total level of public off-street car provision falls below 4,000 spaces (2009 levels), or where new public off-street space is provided in lieu of the loss of private off-street parking.
- 5.7.5 Whilst the proposals include the construction of one new half deck of parking to Patriotic Street MSCP (approximately 58 spaces), this will be provided in lieu of existing hospital parking (much at surface level) that will be removed, including 64 staff parking spaces. The construction of the additional half deck is therefore an overall reduction, and complies with Policy TT10.
- 5.7.6 There are also proposals to allocate some of the existing public long-stay car parking for patients that will be short-stay. Policy TT10 supports proposals to increase the proportion of short-stay off-street parking which limits or reduces the quantity of long-stay off-street public parking.
- 5.7.7 To encourage sustainable travel, the proposal will double the level of cycle parking for staff onsite to 150 spaces, with showers and changing facilities. The proposed layout of the JFH site is designed to maximise the potential number of trips made to the hospital by walking, cycle and public transport. Proposals will also contribute to existing infrastructure for pedestrians and cycles by constructing signalised pedestrian crossings and improving footway widths.
- 5.7.8 In keeping with best design practices for hospitals, the routes for emergency and operational vehicles associated with Jersey Future Hospital (JFH) have been designed where possible to be separate from those of general hospital associated traffic, the staff, visitors and patient routes. Servicing and deliveries will be carried out via a defined service Block on Kensington Place, with guided vehicles transferring services across the site at basement level. These factors contributes to the pedestrian-friendly nature of the routes within the site.
- 5.7.9 Overall the proposals are wholly consistent with the strategic and policy objectives to accommodate the transport needs of new development, while contributing to a reduced dependence on car travel.

5.8 Energy and sustainability

- 5.8.1 A BREEAM Pre-Assessment has been carried out in support of the proposed development. A rating of Excellent will be achieved for both parts of the application site, ensuring that the highest category of sustainable construction will be followed.
- 5.8.2 This strategy demonstrates how the proposals will accord with the objectives of Policy SP2, which encourages development to 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.

5.9 Water resources, flood risk and drainage

- 5.9.1 Water resources on the Island, including marine waters, surface and ground water, are protected by planning policy to ensure the protection of local ecology, biodiversity and potable water supplies. The key policies are:
- Policy NR1 - Protection of Water Resources;
 - Policy NR2 - Water Capacity and conservation;
 - Policy LWM2 - Foul sewerage facilities; and
 - Policy LWM3 - Surface water drainage facilities.
- 5.9.2 The application has assessed the effects of development upon the island's water resources and its aquatic environment, through the production of a Water Resources chapter in the EIS and a Flood Risk Assessment. The JGH site is currently connected to the island's combined foul and surface water system. There is a programme of separating these two systems in parts of St Helier and accordingly the proposals provide for the separation of foul and surface water (from the Main Site and Westaway) to separate drainage systems in accordance with details agreed by the DfI. New connections will be required to DfI owned surface water sewers. This which is consistent with Policy LWM2.
- 5.9.3 The EIS Chapter describes how Sustainable Urban Drainage Systems (SuDS) have been considered, in line with Policy LWM3 which encourages their inclusion where practicable following a drainage hierarchy. The assessment concludes that the main site is not suitable for infiltration due to the high groundwater table, nor is the Westaway Court site given the spatial demands on the basement level from servicing. There may be scope to provide SuDS in the areas of landscaping on the main site, which will be investigated at the Reserved Matters stage when landscape proposals are detailed. Similarly, measures to reduce consumption of water as required by Policy NR2 will be considered at the Reserved Matters stage.
- 5.9.4 A full Flood Risk Assessment has been undertaken to consider the different types of flooding that could occur as a result of Jersey Future Hospital Main Site and Westaway Court. The main flood risks are considered to be from tidal flooding and surface water drainage.
- 5.9.5 Westaway is located within a Flood Zone 1 area, and therefore its flood risk is not significant.
- 5.9.6 The main site is considered a 'more vulnerable' site, assumed to be a Flood Zone 3. There are no available flood maps for Jersey, therefore anecdotal evidence has been consulted and tidal flood modelling carried out to assess the risk. This modelling shows that the south-west corner of the main hospital site is at risk of flooding in a 1 in 200 year event. Based on Jersey datum levels the hospital ground level would not be affected by this flood event, and for the lower ground level, the sealing of the basement structure will act as a sufficient flood protection measure. In the absence of Jersey guidance, best practice from other jurisdictions has been consulted as to the acceptability of development in this location, and the sequential test from the English National Planning Policy Framework has been applied in Section 5.1.3 of the FRA. The conclusion of the FRA is that through the adoption of the design recommendations and mitigation provided in the report, the proposed development is considered to be appropriate.

5.10 Ecology and nature conservation

- 5.10.1 The impact on ecology has been assessed through the EIS. Chapter 8 describes that the two parts of the application site have limited potential to support ecological habitat. Mitigation measures are proposed for the protection of habitats for bats and birds during the demolition and construction phases.
- 5.10.2 Further surveys for bats of the Revere Hotel, Sutherland Hotel and St Elmo's will be carried out when the survey window commences, and the results will be used to inform the mitigation measures adopted.
- 5.10.3 The provision of new landscaping (circa 1,300sqm) will increase biodiversity and potential ecological habitat on the site. The proposals are therefore consistent with Policies NE1 and NE2.

5.11 Noise and vibration

- 5.11.1 The proposal will result in temporary increases in noise during the construction phase arising from demolition, construction and construction site traffic. No significant impacts are anticipated during the operational life of the hospital. The EIS details mitigation to minimise construction phase impacts. The JFH is not expected to cause significant noise and vibration once complete and as such the proposal accords with Policy GD1.

5.12 Construction impact

- 5.12.1 The construction of the JFH will inevitably impact upon the local environment in terms of noise and vibration, air quality, construction traffic and diversions and townscape. The EIA which accompanies this planning application deals with the potential effects and identifies which impacts are significant. Overall, the effects of the construction phase are proportionate to a project of the scale of the JFH and accord with policies GD1, NR3 and TT5.

5.13 Contaminated land

- 5.13.1 The conceptual site model identifies potentially significant effects upon groundwater. There is anticipated to be a significant beneficial effect arising from the removal of contaminated material from the site in the excavation of the basement and foundations. There is a low risk of contamination to groundwater arising from piling for foundations. The risk can be managed via a site specific risk assessment and application of construction best practice.
- 5.13.2 The risks to human health and the water environment arising from the JFH development are considered to be low. As such the proposal accords with Policy GD6, Policy NR1 and SPG Advice Note 2.

6 Conclusion

6.1 Compliance with planning policy

- 6.1.1 This Planning Statement has provided a summary of the key planning considerations arising from the proposed JFH scheme, and an appraisal of the scheme against Revised 2011 Island Plan policies.
- 6.1.2 There are positive and negative aspects of this scheme, which is inherent in a scheme of this size. The final stage in reaching a planning conclusion is to weigh the significance of each of these matters, and reach an overall conclusion (the 'balancing exercise').
- 6.1.3 A key aspiration of the proposals has been to accommodate the level of development needed for the JFH in an appropriate form and scale for the surrounding urban context. This objective has been achieved by extending the development area and seeking a comprehensive redevelopment of the site that secures positive heritage and townscape benefits. The changes from the 2017 scheme have been received positively by planning officers and the Jersey Architecture Commission.
- 6.1.4 As described in this statement, the following adverse impacts have been identified:
- Amenity (daylight) – The scheme has sought to minimise adverse impacts on daylight and sunlight, but with the full extent of mitigation some residual impacts will remain on Kensington Place and Newgate Street. These adverse impacts represent a fraction of the overall performance of the scheme, but this overall impact is considered to be a limited breach of Policy GD1.
 - Amenity (privacy) – There may be instances where the privacy of neighbouring residents cannot be guaranteed at this stage of design development. Although not confirmed, this may lead to a limited breach of Policy GD1.
 - Heritage setting – there will be some adverse impacts to the setting of local heritage assets around the site, due to the presence of larger buildings eg to Kensington Place, but no direct impact on assets themselves. This could be considered a limited breach of Policy HE1.
 - Tall buildings – a justification for the proposed development in line with the exception criteria of Policy BE5 has been provided. It is the view of the applicant that the proposals comply with Policy BE5 via its exceptional circumstances test. The decision maker may conclude that the proposals breach Policy BE5: if so, it is considered that this would be minor/moderate by virtue of the mitigation measures proposed in the Design Principles to limit the impact of height and massing.
- 6.1.5 Balanced against this, the positive benefits flowing from the scheme are as follows:
- Healthcare benefits - Provision of new healthcare facilities will meet a key strategic development need for the future healthcare and wellbeing of the Jersey population. The project is focused on the upgrade of facilities and creation of a modern 'healing place', including single inpatient rooms, which will result in significantly improved clinical outcomes.
 - Townscape benefits – The replacement of a fragmented uncoordinated arrangement of postwar buildings including the negatively perceived 1980s and 1960 blocks and the Westaway Court tower, with high-quality modern buildings will enhanced aspects of the townscape as well as town centre navigation, sense of place, and contribution to an emerging character. This balances adverse impacts listed above.
 - Heritage benefits – The refurbishment, continued use and improved setting of the Granite Block, through the removal of the 1960 and 1980s blocks and modern annexes that have undermined the building and its setting in the past, the heritage-led reinstatement of the forecourt, and the minimising of the visual impact of the modern Block B in its background, on balance result in a significantly beneficial impact to the Grade 1 listed Granite Block. An improved frontage to the listed Parade Gardens is also secured.
 - Regeneration benefits - Contribution to the regeneration of St Helier and the sustainability objective of directing development to the Built Up Area will emerge, whilst recycling a key town centre brownfield site. The continued operation of the hospital in this location will contribute ongoing vitality and trips to central St Helier, retaining activity in the town centre to counteract the drawing away of trade to the Waterfront.
 - Urban design benefits - Improvements to wayfinding, public realm and legibility across this part of the town with the provision of a new central landmark, a dramatically improved backdrop to Parade Gardens and new landscaped spaces.

- Transport benefits – This sustainable location supports and encourages sustainable transport choices and future mode shift to non car-based travel, compared to moving the hospital to a location that relies solely on car travel.

6.1.6 On balance, in weighing the beneficial and adverse factors above, it is concluded that the benefits flowing from the proposal are substantial, whilst the areas of non-compliance with planning policy are considered to be limited. It is therefore clearly concluded, as a result of this balancing exercise, that the proposals are acceptable in planning terms, and represent sustainable development. Moreover, the proposals will be of substantial public benefit to the population of Jersey. As a result, planning permission should be granted in accordance with the Revised 2011 Island Plan.

Appendix 1 – Revised 2011 Island Plan (2014) policies

Strategic Policies

Policy SP1 Spatial Strategy:

Development will be concentrated within 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.*

Policy SP2 Efficient use of resources:

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.*

Policy SP3 Sequential approach to development:

A sequential approach to an assessment of development proposals will be applied in support of a more sustainable pattern of development and the more efficient and effective use of land, energy and buildings. In particular, a sequential approach will be applied to the assessment of planning applications for:

- 1. major new retail development based on a hierarchy of priorities in favour of development in the Core Retail Area, the Town Centre and the Town of St Helier, with a presumption against the development of such uses out of town;*
- 2. major new office development based on a hierarchy of priorities in favour of development in the Town Centre and Esplanade Quarter, the Town of St Helier, with a presumption against the development of such uses out of town;*
- 3. development where it is essential to provide a coast or countryside location based on a hierarchy of priorities of the Green Zone, followed by the Coastal National Park, together with the Shoreline and Marine Zones;*
- 4. the re-use and/or redevelopment of land and buildings outside the Built-up Area in employment use based on a hierarchy of priorities in favour of its use within the economic sector for which permission was originally granted, followed by its use in support of the rural economy, with a presumption against its use or redevelopment for other uses.*

Policy SP4 Protecting the natural and historic environment:

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; and 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.

Policy SP5 Economic growth and diversification:

A high priority will be given to the maintenance and diversification of the economy and support for new and existing businesses, particularly where development can attract small footprint/high value business from elsewhere and foster innovation, in the following ways:

- 1. the protection and maintenance of existing employment land and floorspace for employment-related use;*
- 2. the redevelopment of vacant and under-used existing employment land and floorspace for new employment uses;*
- 3. the provision of sufficient land and development opportunities for new and existing employment use.*

Policy SP7 Better by design:

All development must be of high design quality that maintains and enhances the character and appearance of the area of Jersey in which it is located.

The various components of development, including:

- layout and form;
- elevational treatment and appearance
- density and mix
- scale: height and massing
- external elements, and landscaping; and
- architectural detail and materials

Will be assessed to ensure that the development proposed makes a positive contribution to the following urban design objectives:

- local character and sense of place
- continuity and enclosure
- quality of the public realm
- ease of movement and permeability
- legibility
- adaptability
- diversity
- safety by design

Applications must, where appropriate, be accompanied by a Design Statement to demonstrate and explain how the principles of good design have been incorporated into the development proposal.

General Development Policies**Policy GD1 General development considerations:**

Development proposals will not be permitted unless the following criteria are met such that the proposed development;

- 1. Contributes towards a more sustainable form and pattern of development in the Island in accord with the Island Plan strategic Policy SP 1, Policy SP 2 and Policy SP 3; and in particular it;*
 - a. will not replace a building that is capable of being repaired or refurbished;*
 - b. where possible makes efficient use of construction and demolition materials to avoid generation of waste and to ensure the efficient use of resources (Policy WM 1 'Waste minimisation and new development');*
 - c. encourages energy efficiency through building design, materials, layout and orientation (Policy SP 2 'Efficient use of resources');*

- d. is adequately serviced and includes the provision of satisfactory mains drainage (Policy LWM 2 'Foul sewerage facilities') and other service infrastructure.
- e. improves facilities for the storage and collection of refuse, including recyclables (in accord with WM5).
2. does not seriously harm the Island's natural and historic environment, in accord with Policy SP 4 'Protecting the natural and historic environment', and in particular;
- a. Will not have an unreasonable impact on the character of the coast and countryside (Policy NE 6 'Coastal National Park'; Green Zone and Policy NE 5 'Marine Zone'), biodiversity (Policy NE 1 'Conservation and enhancement of biological diversity'), archaeological remains (Policy HE 5 'Preservation of archaeological resources') or heritage assets (Policy HE 1 'Protecting Listed buildings and places') and includes where appropriate measures for the enhancement of such features and the landscaping of the site;
- b. will not have an unreasonable impact on important open space; natural or built features, including Policy NE 4 'Trees, woodland and boundary features'; and Proposal 4 'Wildlife corridor designation';
- c. will not unreasonably affect the character and amenity of the area, having specific regard to the character of the coast and countryside (Coastal National Park and Green Zone) and the built environment.
3. does not unreasonably harm the amenities of neighbouring uses, including the living conditions for nearby residents, in particular;
- a. not unreasonably affect the level of privacy to buildings and land that owners and occupiers might expect to enjoy;
- b. not unreasonably affect the level of light to buildings and land that owners and occupiers might expect to enjoy;
- c. not adversely affect the health, safety and environment of users of buildings and land by virtue of emissions to air, land, buildings and water including light, noise, vibration, dust, odour, fumes, electro-magnetic fields, effluent or other emissions;
- d. take into account the need to design out crime and to facilitate personal safety and security in accordance with the principles of safety by design, by way of a crime impact statement if required, as set out in supplementary planning guidance;
- e. not affect, to any material extent, the safe operations of Jersey Airport and Jersey harbours, including both the Island's harbours and navigation marks.
4. contributes to and/or does not detract from the maintenance and diversification of the Island's economy, in accord with Policy SP 5 'Economic growth and diversification', and in particular, will not have an unreasonable impact on agricultural land, in accord with Policy ERE 1 'Safeguarding agricultural land'.
5. contributes, where appropriate, to reducing dependence on the car, in accord with Policy SP 6 'Reducing dependence on the car', and in particular;
- a. is accessible by pedestrians, cyclists and public transport users, including those with mobility impairments;
- b. will not lead to unacceptable problems of traffic generation, safety or parking;
- c. provides a satisfactory means of access, manoeuvring space within the site and adequate space for parking,
- d. developments to which the public has access must include adequate arrangements for safe and convenient access for all and in particular should meet the needs of those with mobility difficulties.
6. is of a high quality of design, in accord with Policy SP 7 'Better by design' and Policy GD 7 'Design quality', such that it maintains and enhances the character and appearance of the Island and that, where appropriate, it makes provision for hard and soft infrastructure that may be required as a result of the development.

Policy GD 3 Density of development

To contribute towards a more sustainable approach to the development and redevelopment of land in accord with the Strategic Policies of the Plan (Policy SP 1 'Spatial strategy' and Policy SP2 Policy SP 2 'Efficient use of resources') the Minister for Planning and Environment will require that the highest reasonable density is achieved

for all developments, commensurate with good design, adequate amenity space and parking (bearing in mind the potential for reducing the need for car ownership by the creation of car pooling schemes and other methods) and without unreasonable impact on adjoining properties.

Policy GD6 Contaminated land:

Proposals for development on contaminated land will be permitted where:

1. the developer carries out and submits a full and satisfactory investigation of the condition of the site to include, and fully identify, the nature and extent of contamination present and, where it can be ascertained, the period over which contamination occurred; and
2. the developer proposes a satisfactory programme of works to treat and/or remove the contamination present in a manner that is acceptable to the relevant regulatory bodies.

Design and Built Environment Policies

Objective BE1: Built Environment Objectives:

1. To promote the regeneration and enhancement of the built environment and the re-use of land for new development by providing land and development opportunities to meet and accommodate the requirement for new development during the Plan period within the designated Built-up Area;
2. To maintain the role and support the development and regeneration of the Town of St Helier as the Island's principal centre providing land and development opportunities to provide for homes, economic activity and cultural needs, whilst protecting and enhancing the character of the town and the quality of its environment as a place to live, work and visit.
3. To develop a vision and overarching strategy for St. Helier.

Policy GD7 Design quality:

A high quality of design that respects, conserves and contributes positively to the diversity and distinctiveness of the landscape and the built context will be sought in all developments, in accord with the principles of good urban design, as set out in policy SP7 'Better by design.'

Where the design of proposed development does not adequately address and appropriately respond to the following criteria, it will not be permitted:

1. the scale, form, massing, orientation, siting and density of the development, and inward and outward views;
2. the relationship to existing buildings, settlement form and character, topography, landscape features and the wider landscape setting;
3. the degree to which design details, colours, materials and finishes reflect or complement the style and traditions of local buildings;
4. the use and maintenance of landscape to enhance new development and the degree to which this makes use of local features and an appropriate mix of materials and plant species suited to both the landscape and wildlife interests of the locality;
5. the incorporation of existing site features into the development such as boundary walls, banks and trees;
6. the design of safe pedestrian routes, including for those with mobility impairments, vehicle access and parking; and
7. the incorporation of features to design out crime and to facilitate personal safety and security, in accord with the principles of safety by design, by way of a crime impact statement if required, as set out in supplementary planning guidance. **Policy BE5 – Tall buildings:**

Tall buildings, defined as those either above approximately 18 metres in height, or rising more than 7 metres above their neighbours, will only be permitted where their exceptional height can be fully justified, in a Design Statement, in urban design terms. Development which exceeds the height of buildings in the immediate vicinity will not be approved.

Development proposals for tall buildings in the Town of St Helier which fail to justify their exceptional height relative to the following criteria will not be permitted:

- *appropriateness to location and context;*
- *visual impact;*
- *impact on views;*
- *design quality; and*
- *contribution to the character of St Helier.*

Buildings above approximately 18 metres will not be appropriate outside of the Town of St Helier and will not be approved.

For the avoidance of doubt, for the purposes of the definition of a tall building as laid out in the first paragraph of this policy, where roof top plant is incorporated into the design of the building, there will be a further 2 metres allowed in the calculation of the height of the building before it is defined as a tall building.

Policy GD5 Skyline, views and vistas:

The Minister for Planning and Environment will seek to protect or enhance the skyline, strategic views, important vistas, and the setting of landmark and Listed buildings and places. Proposed development that has a seriously detrimental impact, by virtue of its siting, scale, profile or design, in terms of its affect upon or obscuring of the skyline, strategic views, important vistas, and the setting of landmark and Listed buildings and places will not be permitted.

Policy BE10 Rooftop:

The siting of roof plant, equipment or other structures on the roofs of new or existing buildings, where it projects above the roofline will not normally be permitted.

Where roof plant enclosures already exist, there will be a presumption against the placing of new roof plant, equipment or other structures which extend outside or which would serve to enlarge the existing roof plant enclosure.

In exceptional circumstances, where it can be demonstrated that plant, equipment or other structures essential to the use of the building cannot be located within the existing building envelope, such development may only be permissible where it is located in a position that:

- *will not unreasonably affect the character and amenity of the area;*
- *will not have an unreasonable impact on neighbouring uses and the local environment by reason of visual intrusion or other amenity considerations;*
- *will not have an unreasonable impact on public health, safety and the environment, by virtue of noise, dust, light, odour, fumes, electro-magnetic fields or any other form of emission; and*
- *will not have an impact on the safe operations of the airport.*

Heritage Policies

Policy HE1 Protecting Listed Buildings and places:

There will be a presumption in favour of the preservation of the architectural and historic character and integrity of Listed buildings and places, and their settings. Proposals, which do not preserve or enhance the special or particular interest of a Listed building or place and their settings will not be approved.

Permission will not be granted for:

- 1. the total or partial demolition of a Listed building;*
- 2. the removal of historic fabric, which might include roofing materials, elevational treatments (such as render or stucco) and their replacement with modern alternatives;*

3. *the addition of external items, such as satellite dishes, antennae, signs, solar panels and roof lights, which would adversely affect the special interest or character of a Listed building or place, and its setting;*
4. *extensions, alterations, and changes that would adversely affect the architectural or historic interest or character of a listed building or place, and its setting.*

In those exceptional cases where there is a loss of the historic fabric of a Listed building or place, the Minister will ensure that the recording of that fabric to be lost is undertaken, as appropriate.

Applications for proposals affecting Listed buildings and places which do not provide sufficient information and detail to enable the likely impact of proposals to be considered, understood and evaluated, will be refused.

Policy HE5 Preservation of archaeological resources:

The Minister for Planning and Environment will require an archaeological evaluation to be carried out, to be provided and paid for by the developer, for works which may affect archaeological resources: this information will be required as an integral part of an application. The form of the evaluation will be dependent upon the nature of the archaeological resource and the development proposal and may involve more than one phase of evaluation and investigation depending upon the outcome of initial investigations and the significance and nature of the archaeology.

Planning applications for development proposals which do not provide sufficient information to enable the value of archaeological remains and the likely impact of the proposed development to be determined will be refused. There will be a presumption in favour of the physical preservation in situ of archaeological resources and their settings.

Development which would involve significant alteration or cause damage, or which would have a significant impact on archaeological resources and the setting of visible archaeological resources, will only be permitted where the Minister for Planning and Environment is satisfied that the intrinsic importance of the resource is outweighed by other material considerations, including the need for and community benefit of the development. Where it is determined that the physical preservation of archaeological resources in situ is not justified, the Minister will ensure, through the use of planning obligation agreements and/or planning conditions, that appropriate provision for; the excavation and recording of the resources; the publication of the findings; and in some cases, the treatment and deposition of finds, is made and funded by the developer.

Economic Policies

Policy E1 – Protection of employment land:

There will be a presumption against development which results in the loss of land for employment use as supported by the Strategic Policy SP 5 'Economic growth and diversification', unless;

1. *it is demonstrated that the site is inappropriate for any employment use to continue, having regard to market demand. Applications will need to be accompanied by documentary evidence that the size, configuration, access arrangements or other characteristics of the site make it unsuitable and financially unviable for any employment use and confirmation by full and proper marketing of the site on terms that reflect the lawful use and condition of the premises, or;*
2. *the existing development is predominantly office or tourist accommodation, or;*
3. *the overall benefit to the community of the proposal outweighs any adverse effect on employment opportunities and the range of available employment land and premises; or,*
4. *the existing use is generating environmental problems such as noise, pollution, or unacceptable levels of traffic and any alternative employment use would continue to generate similar environmental problems.*

Housing policies

Policy H11 Loss of housing units:

Proposals that would lead to the loss of housing units will not be permitted except where it can be demonstrated, to the satisfaction of the Minister for Planning and Environment, that such loss is justified on the basis of:

- 1. the replacement of sub-standard accommodation; or*
- 2. better meeting the Island's housing needs, in accord with Policy H4 'Housing mix'; or*
- 3. the maintenance and enhancement of the historic environment; or where*
- 4. the value of the development to the Island outweighs the loss or reduction in the Island's housing stock.*

6.1.7 Social, Community and Open Space Policies

Policy SC02 Healthcare facilities:

Proposals for the development of new or additional primary and secondary healthcare facilities or for the extension and/or alteration of existing healthcare premises will be permitted provided that the proposal is:

- 1. within the grounds of existing healthcare facilities, or*
- 2. within the Built-up Area.*
- 3. in exceptional circumstances, the provision of other specialist healthcare facilities is supported by the Health and Social Services Department, where it can be demonstrated that no other suitable site within the grounds of existing healthcare facilities or the Built-up Area can be identified and where the rezoning of land for this purpose is approved by the States as a draft revision of the Island Plan.*

The alternative development of healthcare facilities will only be permitted where it can be demonstrated that they are no longer required for healthcare purposes

Transport policies

Policy TT2 Footpath provision and enhancement of walking routes:

The potential for new developments, such as housing, shopping, employment, health or leisure proposals on or adjacent to the Island's primary route network to contribute to the provision of new or the enhancement of existing footpaths will be considered relative to the justification of need, the nature of the development and the character of the area.

The ability of development to contribute to the improvement of the Island's provision of off-road walking routes will be pursued, especially where safe routes between residential areas, schools, play space, sporting and cultural facilities, et cetera. can be identified.

The provision of new footpath infrastructure should seek to respect the character of the area and should seek to retain or provide key features adjacent to the highway in accord with Proposal 5 'Coast and countryside character'; Policy NE 4 'Trees, woodland and boundary features' and Policy HE 3 'Preservation or enhancement of Conservation Areas'; Policy HE 4 'Demolition in Conservation Areas'; and Policy HE 1 'Protecting Listed buildings and places'.

The potential of development proposals to enable the enhancement of roadside footpaths in the Town of St Helier will be a key material consideration in the following locations, and as defined on the Proposals Map:

- 1. Bath Street (west side);*
- 2. Devonshire Place (south side);*
- 3. Rouge Bouillon (west side) nr junction with Roussel Street;*
- 4. St James Street (west side);*
- 5. Don Road(north side);*
- 6. St Saviour's Road (east and west side);*
- 7. St Saviour's Road and Wellington Hill;*

8. Tower Road;
9. La Pouquelaye

Policy TT4 Cycle parking

To encourage cycle use, cycle parking provision will be required in all new developments in accordance with the standards published and adopted by the Minister for Planning and Environment.

In those cases where on-site cycle parking cannot be provided in the town of St Helier, commuted payments will be required to make up for any shortfall in the provision of on-site cycle parking spaces.

The States of Jersey will seek to identify potential opportunities in and around the Island, and in St Helier in particular, to create safe and sheltered cycle parking facilities for the use of both commuters and leisure cyclists.

Policy TT5 Road Safety

Where appropriate, traffic and pedestrian safety measures, including improved pedestrian crossing facilities, will be implemented on the highway network, particularly in residential areas, and near schools, to improve road safety for pedestrians and cyclists, reduce vehicle speeds and enhance the street environment.

In new residential developments, all new road layouts should be designed to reinforce low vehicle speeds, cycle safety and pedestrian priority.

Policy TT8 Access to better public transport

All development of 10 units of residential accommodation and employment-related land uses with floorspace of over 250 sqm (for office use) and 500 sq m (for retail use) and where other development proposals are likely to lead to a significant movement of people into and out of a site, should be within 400 metres of a bus service.

Where the provision of a bus service is not available, or where the frequency of service is considered to be too low relative to the scale and/or nature of the development proposals, the developer will be expected to support the provision of an appropriate public transport service.

Site layouts should provide appropriate infrastructure to support public transport and bus use including the provision of direct, safe and convenient access to bus stops, and the provision of bus shelters and any associated infrastructure in accord with Policy GD 4 'Planning obligations'.

Policy TT9 Travel Plans

Residential development with more than 50 units of accommodation, or developments which would generate significant amounts of travel, will be required to submit a travel plan including, modal split targets, time-scales, measures and sanctions to be taken to meet these targets as well as measures to monitor the effectiveness of the plan.

The travel plan will be agreed in consultation with the Transport and Technical Services Department and information must be provided about the progress of the plan on a yearly basis. Contributions through planning obligation agreements will be secured to improve transport infrastructure and services, where appropriate.

Policy TT10 Off-street public parking provision in St Helier

In order to contribute towards the objective of reducing peak hour congestion by 15%, planning permission for new additional off-street public parking spaces will not be permitted in the Town of St Helier unless the total level of public off-street car provision falls below 4,000 spaces (2009 levels), or where the provision of public off-street space is provided in lieu of the loss of private off-street parking provision.

During the Plan period, the Minister for Planning and Environment will support proposals that increase the proportion of short-stay off-street public parking and which limit or reduce the quantity of long-stay off-street public parking in St Helier, in accord with the objectives of the Sustainable Transport Policy (2010), and in accord with the overall level of off-street public parking provision permitted.

During the Plan period, the provision of public off-street car parking space at the following sites will be approved;

- i. Esplanade Quarter: a new 520 space MSCP, to replace the public off-street provision on the existing Esplanade Quarter surface-level car park; and subject to the outcome of the proposals for North St Helier Masterplan and traffic impact assessments;*
- ii. Ann Court: a new 285 space MSCP, to replace the potential loss of Minden Place MSCP (@ 240 spaces) and its potential replacement with 25 public spaces;*
- iii. the provision of off-street public parking at key development sites in the north of the Town - such as at Bath Street; Jersey Gas and Ann Street Brewery - to provide up to 450 public spaces.*

All development proposals within the masterplan will be required to be the subject of full transport assessments and to reflect the need and desire for parking at the time of implementation, which will be reviewed on a biennial (once every two years) basis, in order that long-stay off-street public parking can be limited or reduced and/or the proportion of short-stay off-street parking increased, in accord with the objectives and performance of the Sustainable Transport Policy (2010).

New car park facilities will be required to incorporate sustainable drainage systems to promote infiltration. The redevelopment of the existing Pier Road MSCP or the land identified for the extension of Green Street MSCP for alternative uses will be kept under review during the Plan period, relative to the demand for, use and availability of off-street public parking provision here and the outcome of any further studies undertaken within the context of Proposal 14 'St Helier Regeneration Zones'.

The redevelopment of surface level off-street public car parking provision in St Helier will not be resisted. Planning permission for the provision of temporary surface level off-street public car parking on sites cleared for redevelopment or sites which have come out of their established use, will not be permitted.

Natural Resources policies

Policy NR1 Protection of Water Resources:

Development that would have an unacceptable impact on the aquatic environment, including surface water and groundwater quality and quantity, will not be permitted. In particular, development proposals that rely on septic tanks, soakaways or private sewage treatment plants, as a means of foul waste disposal, will not be permitted except where they accord with Policy LWM 2 'Foul sewerage facilities'.

The Minister for Planning and Environment will also seek to encourage a high quality environmental design for development to minimise surface water runoff and to reduce the demand for and consumption of water in accord with Policy LWM 3 'Surface water drainage facilities'.

If a development proposal is within the Water Pollution Safeguard Area, Jersey Water will be consulted prior to determining the planning application, to ensure that the public water supply is not put at risk from pollution.

Policy NR2 Water Capacity and conservation:

Developments will not be permitted unless adequate water supply is made available at the time of the development. The Minister for Planning and Environment will encourage development proposals to incorporate all practicable water conservation and management measures to reduce water consumption and help conserve the Island's water resources.

It is proposed that all major development proposals (i.e. greater than 1,000m², or 10 dwellings) submit a 'Water Conservation Strategy' as part of the Design Statement or any statement of sustainability to demonstrate how this is to be achieved.

Policy NR3 Air quality:

Development that would have a significantly adverse effect on air quality, taking into account the cumulative impact of other proposed or existing sources of air pollution in the area, will not be permitted when it would breach key targets identified in association with the emergent Air Quality Strategy, or when it is considered that it would cause harm to the health, safety and amenity of users of the site or the surrounding area or put at risk the quality of the environment.

Such developments may be permitted, however, where the potential pollution problems can be overcome or contained to within acceptable limits by agreement on suitable mitigating measures, to the satisfaction of the Minister for Planning and Environment. Any required mitigation measures and monitoring requirements before, during and following development will be secured by means of planning conditions or planning obligations, as appropriate.

The Minister for Planning and Environment will require the submission of a full and detailed 'Air Quality Assessment' with applications, in order to assess the extent of effects on air quality where it is considered appropriate, including:

- i. developments which significantly increase emissions from road traffic;*
- ii. industrial activities, quarrying, landfill and other waste management operations which involve potential air pollutants;*
- iii. energy generation projects;*
- iv. major developments (>10 homes / 1,000m² floorspace) within or near to and likely to have an adverse effect on, any 'Air Quality Management Areas' which may be identified in response to on-going air quality monitoring, improved monitoring and modelling techniques and/or changing air quality standards;*

Proposals to locate air pollution-sensitive development close to existing sources of air pollution and/or in areas with existing unacceptably poor air quality.

Where a proposed development requires an Environmental Impact Assessment, the Minister for Planning and Environment will consult with the relevant health and environmental protection regulatory authorities to determine whether the assessment should include consideration of emissions to air and the likely impacts on health and the environment.

Policy NR7 Renewable energy in new developments:

All developments are encouraged to incorporate on-site low carbon or renewable energy technologies. However, all non-residential developments with a gross floorspace of 1,000 sqm or more and residential developments of ten or more units, whether new build or conversion, will be required to incorporate on-site low carbon or renewable energy production equipment to off-set predicted carbon emissions by at least 10%, except where:

- 1. it is demonstrated by the applicant, to the satisfaction of the Minister for Planning and Environment, that such provision would make the development unviable;*
- 2. it would have an adverse visual or amenity impact that would outweigh the benefits of the technology; or*
- 3. at least an equivalent impact on carbon emissions can be met by alternative means.*

Water and Drainage policies

Policy LWM2 Foul sewage facilities:

Development which results in the discharge of sewage effluent will not be permitted unless it provides a system of foul drainage that connects to the mains public foul sewer (to the satisfaction of the Minister for Planning and Environment in consultation with the Minister for Transport and Technical Services).

Responsibility for the cost of making a connection and/or providing increased capacity in the public foul sewerage systems and pumping stations, so as to accept any additional flow from the development, will be the applicant's, and this may be the subject of a legal agreement between the applicant and the Minister.

In exceptional circumstances and where it has been demonstrated by the applicant that connection to the mains public foul sewer is not economically feasible, taking into account viability and practicability, consideration may be given to a packaged treatment plant offering full treatment, provided it is demonstrated that;

- 1. the final effluent from the development will meet standards and conditions set by the Minister for Planning and Environment and the Minister for Transport and Technical Services; and*

2. adequate provision is made for future operation, monitoring / telemetry and maintenance throughout the life of the plant, which is to the satisfaction of the Minister for Planning and Environment in consultation with the Minister for Transport and Technical Services and which is supported by a planning obligation agreement and meets the terms of the conditions of any required "Discharge Permit".

Where it is proposed to increase the potential sewage discharge to an existing non-mains sewerage system, which may give rise to the problems referred to above, there will be a requirement to make suitable improvements to the system, which may include a requirement to replace an old septic tank with a new packaged treatment plant.

Applicants are required to submit sufficient information regarding the means of sewage disposal to allow a proper assessment of the proposals. Where this information is not provided, the application will be refused.

Regard will be made to constraints on the capacity of the existing Sewage Treatment Facility and Drainage System in consultation with the Minister for Transport and Technical Services.

Proposals for the development of land in the vicinity of sensitive foul sewerage facilities, as indicated on the Proposals Map, including the package treatment plant at Bonne Nuit, tanker discharge points and pumping stations with odour control units, will only be permitted where they will not or unduly restrict the activities of these facilities.

Policy LWM3 Surface water drainage facilities:

The Minister for Planning and Environment will expect proposals for new development and redevelopment to incorporate Sustainable Drainage Systems (SuDs) into the overall design wherever practicable. Applicants will be required to ensure that surface water run-off is managed as close to its source as possible in line with the following drainage hierarchy:

- Store rainwater for later use in accordance with Policy NR 2 'Water capacity and conservation';
- Use infiltration techniques, such as porous surfaces;
- Attenuate run-off in open water features for gradual release to a watercourse;
- Attenuate run-off by storing in tanks or sealed water features for gradual release to a watercourse;
- Discharge run-off direct to a watercourse;
- Attenuate rainwater by storing in tanks or sealed water features for gradual release to a public surface water sewer; and
- Discharge rainwater to the public surface water sewer.

Sustainable drainage systems will not be required where it can be demonstrated by the applicant that there are practical reasons for not doing so, such as:

- They would be likely to cause significant land or water pollution; or
- The site's ground conditions would preclude their use; or
- The size of the site precludes their use; or
- They would cause damage to adjacent buildings or sites.

Discharges of surface water to groundwater, or to local watercourses and water bodies will be required to meet quality standards and conditions set by the Minister and will not be permitted where this would lead to pollution. Applicants will be expected to incorporate remedial measures into drainage systems to avoid the risk of pollution from oil and other chemicals, where appropriate.

Discharge rates will normally be required to be limited to pre-existing natural rates of run-off so as to avoid causing or exacerbating flooding, either locally or remotely. However, in appropriate circumstances, where flood risks to adjacent properties are highest, there may be a requirement to reduce the pre-existing discharge of run-off.

Discharges of surface water to the public sewerage system will not be permitted unless approved by the Minister for Transport and Technical Services and, if accepted, will be required to be separate from foul sewage. Responsibility for the cost of making a connection and/or providing increased capacity in the public sewerage system and pumping stations, so as to accept the additional flow from the development, will be the applicant's and may be the subject of a legal agreement between the applicant and the Minister.

Where appropriate, planning conditions or legal/planning obligation agreements will also be imposed or sought to ensure that Sustainable Drainage Systems are provided and maintained in the long-term.

In all cases, applicants will be required to submit sufficient information regarding the means of surface water disposal to allow a proper assessment of the development proposals. Where this information is not provided, the application will be refused.

Proposals for new development, which would impact on the discharge of surface water will not be permitted, unless satisfactory provision is made for surface water disposal, to the satisfaction of the Minister in consultation with Jersey Water and the Minister for Transport and Technical Services.

Regard will be made to constraints on the capacity of the existing Sewage Treatment Facility and Drainage System in consultation with the Minister for Transport and Technical Services.

Waste Management policies

Policy WM1 Waste minimisation and new development:

In considering proposals for new development and in accordance with the principles of sustainable development, the Minister for Planning and Environment will encourage the minimisation of waste generated as part of construction activity and an increase in the recycling, re-use and recovery of resources.

The Minister will only permit major new developments and/or developments which would involve the demolition of major structures or the potential generation of significant quantities of waste material (including developments of 10 or more dwellings, or with a floorspace of more than 1000m², or where the development is on a site of more than 1 hectare), where:

- i. measures are taken to minimise the wastes arising and to recycle, re-use and recover as much as possible of the generated waste materials; and*
- ii. opportunities are taken to maximise on-site management of waste.*

Where inert waste generated in these developments cannot be re-used on the site, it should, as far as possible, be diverted for recycling with a licensed contractor and only the residual unusable material should be disposed of to landfill.

The Minister will require a 'Site Waste Management Plan' to be submitted with all planning applications for these developments, setting out the steps to be taken to minimise and manage waste generation both on and off the site during construction. The measures contained in the 'Site Waste Management Plan' shall be approved by or on behalf of the Minister and may be secured by planning conditions and obligations, where appropriate. Where such plans are not acceptable, permission will not be granted.

'Site Waste Management Plans' should be continually evolving plans, which are implemented and updated by the developer or an appointed contractor throughout the construction phase. All waste transactions shall be accurately and clearly recorded in the Plan to maintain a continuously up-to-date record of how work is progressing in comparison with waste management estimates.

On completion of the development, the developer must make available the final version of the Plan for review and provide the Minister with:

- i. evidence that the Plan has been satisfactorily monitored;*
- ii. the reasons for any revisions made to the Plan; and*
- iii. an explanation of the differences between the initially approved Plan and actual performance.*

Where planning controls associated with approved 'Site Waste Management Plans' are being breached, the developer will be asked to agree and implement remedial steps to resolve the breach.

The Minister will consider formal enforcement action where developers or responsible contractors have:

- i. intentionally not complied with a 'Site Waste Management Plan', or*
- ii. not taken required remedial action within the given time-frame.*