



**Our Hospital**

**Supplementary Planning  
Guidance: Advice Note**

May 2020

## About supplementary planning guidance

The Minister for the Environment may publish guidelines and policies (supplementary planning guidance) in respect of; development generally; any class of development; the development of any area of land; or the development of a specified site<sup>1</sup>.

Supplementary planning guidance may cover a range of issues, both thematic and site specific, and provide further detail about either policies and proposals in the Island Plan, or other issues relevant to the planning process.

Where relevant, supplementary planning guidance will be taken into account, as a material consideration, in making decisions.

Supplementary planning guidance is issued in a number of different forms including:

**Advice notes**, which offer more detailed information and guidance about the ways in which Island Plan policies are likely to be operated, interpreted and applied in decision making;

**Policy notes**, which can be issued by the Minister, following consultation with key stakeholders, in-between reviews of the Island Plan, to supplement and complement the existing planning policy framework;

**Masterplans, development frameworks and planning briefs** provide more detailed information and guidance about the development of specific sites and areas of the island.

Current supplementary planning guidance can be viewed on the Government of Jersey website at [Supplementary planning guidance \(SPG\)](#).

Hard copies of all supplementary planning guidance can be obtained from Customer and Local Services, Philip Le Feuvre House, La Motte Street, St. Helier, JE4 8PE.

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<sup>1</sup> Under Article 6 of the Planning and Building (Jersey) Law

# Supplementary Planning Guidance: advice note

## Our Hospital

May 2020

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## Section one: introduction

### Introduction and purpose

The issues raised by the development of a new hospital in Jersey are some of the most complex and difficult the island is likely to face. They are significant and the consequences of dealing with them are profound and far reaching: the new hospital will be a very large development, costing a significant amount of public money, and it needs to serve the island for many decades to come.

It is a matter of public interest that the process of arriving at a decision which enables the delivery of the island's new hospital is fully informed and progresses smoothly, transparently, without undue delay, and with appropriate public and clinical input.

The statutory planning process has so far provided the principal means by which members of the community have engaged with previous proposals for a future hospital. Many issues were raised, some of which were outwith what would normally be understood to be planning matters. Dealing with such developments of critical island-wide significance clearly shows that planning and wider political and community matters are inextricably linked.

Senator Farnham, as Chair of the Our Hospital Political Oversight Group (OHPOG), wrote to the Minister for the Environment on 02 October 2019 to request planning guidance to support the development of Our Hospital: a copy of this letter is enclosed at Annex A. Advice was specifically sought in relation to two matters:

- first, the planning process that the Minister for the Environment would expect to see applied and followed in the search for a site for a new hospital; and
- second, the issues to be covered in the preparation and submission of a planning application for a new hospital, and which would need to be dealt with in its determination

This advice note has been prepared specifically in response to that request.

## Scope of this guidance

Based on the experience of dealing with two previous planning applications for a future hospital, it is possible to identify wider issues that are of public concern which do not normally fall to be considered as part of planning decisions. This guidance sets out those issues that, in the view of the Environment Minister, would need to have been considered in order to allow any meaningful assessment of the wider public interest of a future proposal.

This advice note, therefore, includes guidance in respect of those initial considerations that the Minister for the Environment would expect to see addressed in the process of seeking to identify a site for a new hospital: these are explicitly identified in Section three – key non-planning considerations

It also includes guidance about the planning considerations that should be addressed in the preparation of a development proposal for a new hospital. It is these planning considerations – set out in Section four: key planning considerations - which will be determinative to a future decision on a planning application.

It is, however, important to recognise and acknowledge that other issues for consideration could arise in relation to a planning application for the new hospital which will be a new proposal, and which may be on a different site to that previously considered: the planning considerations raised here are not, therefore, necessarily the only ones that might be material to a future determination.

The determination of all planning applications involves a 'public interest test'. This is because the private right to develop land has – since planning legislation took effect in Jersey on 01 April 1965 – been removed and replaced with the requirement to apply for planning permission. In assessing whether to award planning permission decision-makers are required to have regard to the Island Plan and it is this which - having gone through a rigorous process of consultation and scrutiny before being adopted by the States Assembly - provides the policy framework that 'best serves the interests of the community'<sup>2</sup> i.e. it represents the public interest.

The planning law also enables a decision-maker to weigh any negative planning implications of a particular development proposal, which might challenge the provisions of the Island Plan, against its wider public interest, and to approve it where there is considered to be 'sufficient justification for doing so'<sup>3</sup>; provided the reasons for so doing are stated clearly.

This guidance does not define a test of public interest but sets out issues that – based on the experience of dealing with previous proposals for a future hospital – would need to have been considered in the development of a new proposal for OH to inform the

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<sup>2</sup> Article 2(a) [Planning and Building \(Jersey\) Law 2002](#)

<sup>3</sup> See Article 19 (3) [Planning and Building \(Jersey\) Law 2002](#)

assessment of the wider public interest of a future proposal, should this be required in the determination of a future planning application. It is not, however, possible to list all the matters which might constitute a wider public interest benefit on a proposal which has not yet been submitted and on a site which has yet to be selected: others may, therefore, arise and apply that are not identified here.

## Section two: policy context

### The Island Plan and supplementary planning guidance

The current Island Plan does not include any specific policy or an allocated site to guide a new large-scale hospital development in the island: the emergence of the substantive new hospital proposal(s) occurred after the original plan-making process (leading up to the 2011 Island Plan adoption).

The absence of an Island Plan site allocation and specific policy content creates challenges for any proposal for a new hospital of the scale required as it is unlikely to fit neatly with the Island Plan's policy content i.e. some tension with the policies of the Plan, and some adverse environmental and other effects are very likely.

It is also clear that there is not a perfect site for the new hospital. Instead, feasible site options have been identified that could deliver the hospital project with each presenting different environmental effects and consequences.

The Island Plan is currently being reviewed<sup>4</sup>. As well as providing a new framework for the regulation of development it will need to make provision for the island's future development needs, which includes the well evidenced and undisputed need for a new hospital. The Island Plan Review, and the new Island Plan will, therefore, make provision for a new hospital – either by way of allocating a specific site or including a policy which enables a new proposal to be tested – depending on the progress of the Our Hospital project, relative to the Island Plan Review. The policy context for decision making, under a new Island Plan will, therefore, be different and, in all likelihood, more straightforward because the need for a new hospital will be explicitly acknowledged, but the planning and other issues that are raised by the delivery of a new hospital still need to be addressed, as set out in this guidance.

It is likely that both the Island Plan Review programme and the progress of the Our Hospital project will be affected in some way by the coronavirus pandemic. As a consequence, it is not clear whether the decision on a planning application for the new hospital will be made under the auspices of a new Island Plan. In the event that it is not, the Minister is satisfied that this supplementary planning guidance provides a sufficiently robust tool, together with the current Island Plan, to enable a sound decision to be made.

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<sup>4</sup> [Island Plan Review](#)

## Section three: key non-planning considerations

The key considerations for Our Hospital include wider non-planning matters.

The identification of relevant non-planning matters has been informed by the process of dealing with two previous planning applications for a future hospital, which served to identify and crystallise those wider issues that are of public concern.

These matters will not be determinative to a future decision on a planning application for a new hospital, but it is important that they are considered and assessed: the site selection and assessment process provides an opportunity to do this.

Any such consideration will help to inform site choice and the States' consideration of a preferred site<sup>5</sup>.

### Site assessment considerations

It is now acknowledged and understood that any site for a new general hospital development will present some planning challenges. Any proposal for a new hospital, of the scale required, will inevitably lead to some adverse environmental and other effects. The scale of these challenges may grow if the range of health services, and the likely size of the facility, is increased. It is important that the process of defining the purpose, form and specification of the new general hospital, relative to other parts of the delivery of a new model of care, engages clinicians, other health care staff, and the community in a way that is open and transparent. This should include, for example, consideration of the location and delivery of mental health services. The nature, scale and specification of the new hospital proposal will have a bearing on the site assessment process and the viability of site options.

It is also recognised that there are likely to be a number of feasible site options that could deliver the hospital project, but each with different environmental effects and consequences. Each of these options will also present other 'non-planning' advantages and disadvantages. These might include; the cost of development on different sites, including the provision or enhancement of essential services; the cost of any land acquisition (to enable development or to mitigate the effect of development); timescale for delivery; and the cost of managing clinical risk to ensure the safe operation of the existing facility. All of these elements, where they are relevant and applicable, need to be considered and assessed consistently as an integral element of any site assessment process.

An objective, evidence-based, consistent and sound high-level assessment of alternative sites should be undertaken. It is also imperative that any such process is open, transparent and participatory.

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<sup>5</sup> [Statement on Our Hospital \(March 2020\)](#)

## Section four: key planning considerations

The key planning considerations for Our Hospital are set by the planning policy framework provided by the Island Plan and other planning guidance, and most have been raised in the context of earlier planning applications. As stated previously, other material planning issues may arise in relation to a new proposal and/or a different site.

The following matters will likely be material to a future decision on a planning application for a new hospital except where it is explicitly stated that they cannot be determinative.

### **Meeting needs**

One of the functions of the planning system is to ensure that island community's development needs are met. The need for a new hospital is well evidenced and undisputed, and it has been recognised that meeting this need is 'a material and weighty Planning consideration'. The Minister for the Environment, therefore, considers that it is appropriate for the planning application for a new hospital to demonstrate how its form and specification best meets the island's needs, as part of a 'new model of care'; and that this is a factor which will be material to the determination of a planning application for the new hospital.

In this respect, qualitative and quantitative evidence should be available to demonstrate that any proposed development enjoys the confidence of patients and clinicians and that it can provide for a hospital that fulfills the identified functions required of it as part of a model of care, both now and in a sustainable way in the future.

### **Demonstrates community involvement**

Prior to submitting a planning application, there should be communication with people, providing them with opportunity to engage and contribute to the development of proposals for a new hospital: this should be integral to producing plans which are fit for purpose, reflect community views, and provide a sustainable vision for the future.

Given the significance of the OH project for the island, it is imperative that all members of the community, including clinicians and other health staff, are provided with opportunity to engage throughout the process of developing a new proposal for a new general hospital. This will lead to a better-informed, higher-quality outcome based on local knowledge and involvement throughout the process.

This will be a prerequisite to the submission of any planning application: the planning application should be accompanied by details setting out how the community has been engaged and has contributed to the development of the proposals.

## Sustainable development considerations

One of the primary purposes of the planning law is to ensure that the development of land in the island is 'orderly, comprehensive and sustainable in a manner that best serves the interests of the community'. The Island Plan is the vehicle against which this test of sustainability is measured, and it is essential that any emergent proposal is tested against those factors which underpin this principle, which include the following:

### Relationship with spatial strategy

A strategic principle of the current Island Plan is to ensure that development takes place in the island in those locations which best promote social and environmental sustainability. The Plan sets out a sequential approach to site location based on the following hierarchy of sustainability:

- development within the main Built-up Area of the Town of St Helier;
- development within the Built-up Area outside the Town of St Helier, including those parts of the island's urban environment identified and defined in the hierarchy of settlements and defined on the Island Plan Proposals Map;
- development of brownfield land outside the Built-up Area, to meet an identified need and where it is appropriate to do so;
- in exceptional circumstances, the development of land outside the Built-up Area to support the rural economy or parish communities, to meet an identified need and where it is appropriate to do so

On the basis of this sequential test, there will be a need to justify the proposed location of any future proposal for the island's new general hospital setting out, where relevant, why less sustainable locations might be pursued and what mitigation – for example, in terms of the provision of new transport infrastructure, facilities and services – would be provided.

At a detailed policy level the existing Island Plan, at Policy SCO2, confers a presumption in favour of the development of new or additional primary healthcare facilities within the grounds of existing healthcare facilities or within the Built-up Area.

The current Island Plan also explicitly recognises, in Policy NE7 relating to the Green Zone, that there may emerge, during the Plan period, strategic development proposals of island-wide significance which challenge the spatial strategy of the Island Plan, and which may be permissible as exceptions to it. These are permissible in the Green Zone only where: their need is proven; alternatives have been properly identified and considered; and where environmental implications for the Green Zone are properly identified, avoided and/or mitigated as far as possible, having particular regard to the loss of countryside and impact on landscape character.

### **Efficient use of resources**

Land use planning has a responsibility to ensure the appropriate use of land and resources and the Island Plan incorporates the principles of reduce, manage, invest within areas directly affecting natural resources, waste and transport.

In practical planning terms, this means that development proposals should seek to make the most effective and efficient use of land that has previously been developed in preference to the development of greenfield sites and should set out a justification for any departure from this.

The proposal would also be expected, as a matter of course, to demonstrate the highest standards of energy efficiency and resource use in the design and operation of the hospital building(s).

### **Sustainability of access**

Strategic policies in the Island Plan seek to minimise travel overall; maximise the opportunities for sustainable travel; and reduce the reliance on car travel. It is important to consider this matter, relative to any new hospital proposal, not only in terms of its environmental implications but also to consider the social consequences of a location that may be more difficult to reach for those parts of the community without access to transport, including patients and staff.

The States of Jersey has adopted a new Sustainable Transport Policy<sup>6</sup>: this sets out a new vision which states that *'by 2030, our transport system will make our everyday lives better, support businesses, encourage us and our children to be healthier and make our Island greener'*, and provides ten decision-making principles for a Sustainable Transport System. These are to:

1. recognise that fewer motor vehicle journeys will be good for Jersey
2. conform with the Jersey mobility hierarchy
3. improve transport options, including parking, for people with mobility impairments
4. make walking and cycling more attractive, especially for travelling to school and commuting, by providing safer routes
5. invest in a better bus system that more people want to use and that is accessible to all, and present a Bus Service Development Plan to the States for debate during the spring session, 2021
6. recognise, and price fairly, the social and environmental costs of private vehicle use and present a Parking Plan to the States for debate during the spring session, 2021
7. reduce the impact of vehicles on our landscape and create more space for people in St. Helier
8. create public service and planning systems that reduce the need to travel
9. discourage the use of petrol and diesel vehicles and encourage the use of zero emission vehicles to reduce pollution
10. work with businesses that rely on road transport to support their efficient and safe use of the road network, their delivery and servicing needs and their uptake of alternative, low carbon fuels.

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<sup>6</sup> P.128/2019 [Sustainable Transport Policy](#)

General hospitals are, by their nature, very significant trip generators with complex around-the-clock movements associated with employees, patients, servicing, visitors, and emergency services.

A comprehensive transport assessment of all aspects of travel to the new hospital, including public transport, will need to be undertaken and its impacts, implications and mitigations demonstrated and assessed relative to the new vision for sustainable transport in Jersey and the seven decision-making principles, where relevant, established by the Sustainable Transport Policy. It will also need to be demonstrated that its location unequivocally meets clinical needs in terms of being able to meet established emergency response times.

### **Impact on the natural environment**

The impacts of development upon the island's natural environment is an important consideration and should be duly assessed.

The implications of development for the island's biodiversity should be addressed where it is relevant to do so.

### **Resilience and future-proofing**

It is considered important that the longer-term resilience of any hospital proposal is assessed in two distinct ways:

- from a practical and technical perspective, there will be a need to demonstrate that any proposal is resilient relative to the potential impacts of climate change and specifically flood risk; and
- there is a need to demonstrate its performance over time, which should include some consideration of the potential for adaptation and/or expansion, either within the boundaries of the site or an expansion of it.

### **Design considerations**

New development should be of high quality design and should contribute to the island's character, identity and sense of place; and to the health and wellbeing of people and the community. Our Hospital should help to create a successful place and should do this by adopting a comprehensive design approach that achieves the successful integration of buildings, the public routes and spaces within and between buildings, and its townscape/landscape setting. It should have a human scale with internal spaces and external areas which respect the emotional needs of patients, staff and visitors.

There is also a need to ensure, and demonstrate, that high quality design can be assured through the procurement and delivery process of any new proposal.

### **Townscape/landscape and visual impacts**

Delivering a new hospital to serve Jersey necessitates a very large development which will inevitably create design challenges and have implications for whichever part of the island in which the development is set.

There will be a need for any emergent proposal to be considered relative to the following design principles:

- appropriateness to location and context;
- visual impact;
- impact on views;
- design quality; and
- contribution to the character of the area; 'place-making'; and people's health and wellbeing.

### **Impact on the historic environment**

The impacts of development upon the island's historic environment is an important consideration and should be fully assessed.

The Island Plan sets out a general presumption in favour of the preservation of the character and integrity of heritage assets. Assessment of impact of development upon the historic environment includes not only the direct impact of development upon existing heritage assets, involving listed buildings and places, but also the indirect impact of development upon the settings of these assets, including impacts on 'off-site' heritage assets in the vicinity and further afield.

### **Impact on residential amenities**

Given the scale of the OH project, it is likely that it will have some implications for neighbouring properties. It is important that any such potential impacts are properly assessed, specifically in relation to the considerations of sunlight / daylight, loss of privacy, and any general overbearing impacts.

The implications of increased level of activity derived from the introduction of an intensely serviced use, complete with around-the-clock emergency access, may also become a material consideration and regard should be had of any implications associated with this, including noise impact relative to existing background levels.

Every effort should be made to remove or mitigate any such impacts through the process of design. Should this not be possible, consideration should also be given to other methods of mitigation including the acquisition of neighbouring residential properties, when they are unreasonably affected by the development.

## Other considerations

### **Socio-economic impacts**

It is likely that the scale of the OH project will have some socio-economic impacts, and these should be appropriately assessed and considered.

These impacts are likely to concern the loss of existing businesses (directly displaced by the development), wider impacts on businesses, and the loss of homes. There may also be opportunity costs, where the development of the OH might preclude the use of land for other uses of public or socio-economic value to the island, and alternative costs should be factored in to any assessment.

There would also be substantial labour market implications given the scale of development taking place in a small island with a limited labour market of construction workers. Consideration should be given to alternative construction techniques, such as pre-construction/modular construction, to ameliorate any such impact. A comprehensive assessment of this issue – whilst not determinative to a planning application for the new hospital – should be undertaken and include details of how any influx of personnel into the island throughout the lifetime of the project will be temporarily housed, which might involve a range of innovative solutions.

Consideration should also be given to the opportunity for Our Hospital to act as a focal point for the application and future on-island development of new digital and data technologies.

### **Assessment of health and local impacts, including demolition and construction**

Whatever site is selected and pursued, there will be localised implications of delivering a major infrastructure project on those residents and business in the locality generated by factors such as noise, dust, vehicular movement and vibration. These effects are likely to be more extensive and impactful in an urban setting.

Any emergent scheme should demonstrate how, where relevant:

- effective healthcare services, working conditions and a quality patient environment can be maintained;
- the implications for local residents and business are mitigated, as far as possible, in the immediate proximity of a large-scale construction project; and
- the proposed development contributes to the health and wellbeing of people and the community.

## Section five: matters of process and decision-making

### Process: form of application

It has been accepted, through the planning history of the OH project thus far, that the form of a planning application in principle, is a valid form of planning application for the purposes of assessment and decision-making, provided it enables the broad acceptability of the proposal to be properly assessed in planning terms. It is essential that the application is supported by adequate detail to enable such assessment.

A proposal of the likely size of the new hospital will require an Environmental Impact Assessment and be supported by sufficient detail of the impacts of the proposal against the areas stated in Section four of this guidance. It will be required to justify why a site has been selected, relative to alternatives, taking into account the environmental and any other socio-economic effects.

An outline application in this context will, therefore, be much closer to a full detailed submission, although it is accepted that finer design detail around areas such as building facades and finished detail of landscaping can be reserved for latter stages. The submission of a detailed application, which addressed all matters in full, would also be acceptable.

It will be important to ensure that the assessment and consideration of other non-planning issues, as set out throughout this guidance, have been satisfactorily addressed.

### Decision-making

The Minister considers that the proposed development of a new hospital for the island will likely have a significant effect on the interests of much of the community. He will, therefore, require that a public inquiry into any proposal for a new hospital is held. This will involve the appointment of an independent planning inspector who will consider the issues associated with any planning application, including representations made in respect of it, at a public hearing, and who will submit a report to the Minister to enable him to determine the application.

Deputy Chief Minister |  
Minister for Economic Development,  
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Deputy John Young  
Minister for the Environment  
Government of Jersey  
19-21 Broad Street  
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02 October 2019

Dear *John,*

**Guidance to support the development of Our Hospital**

I write as Chair of Our Hospital Political Oversight Group (OHPOG).

You will have seen that the Chief Minister's report in May set out a new approach that

- establishes the agreed clinical requirements of the new hospital
- uses the outcome of this to scope the size and shape of a new hospital to inform the shortlisting of potential locations
- involves a thorough process of island and stakeholder communication and engagement on those locations, alongside technical and financial assessments of deliverability, in order to identify a preferred site for the Government and States Assembly to consider and approve.

I am pleased to say that, given the good progress made to put in place new resourcing and governance arrangements, the project is now at the point where it would greatly benefit from some supplementary planning guidance from you, as Minister for the Environment, to inform its future direction.

The OHPOG would find it helpful to have your guidance on two matters. First, the planning process you would expect to see applied and followed in our site search process. Second, the issues you would expect to be covered by the project team when putting together their development proposals/planning application, and the issues that will need to be answered for the planning determination.

You may, of course, have other issues that you consider material to this process and we would equally welcome guidance on these.

I hope to be in a position to instruct the team on the correct process to follow and to ensure they include the correct material to so that any planning application is as robust as possible.

Yours sincerely

With kind regards  


Senator Lyndon Farnham  
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