

DEPARTMENT OF THE ENVIRONMENT

STATEMENT OF CASE

FOR PUBLIC INQUIRY INTO P/2016/0870

**Construct secondary school with associated external facilities, parking, landscaping and sports field. 3D Model Available. AMENDED ADDRESS. ADDITIONAL PLANS energy centre drawings AMENDED PLANS revised vehicular exit, widening of La Rue Carree.**

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

**La Rue Carree, St. Brelade,**

## INTRODUCTION

This Statement of Case is submitted in accordance with Article 7 of the Planning and Building (Public Inquiries) (Jersey) Order 2007, by the Department of the Environment ('the Department') for the Public Inquiry relating to application reference P/2011/1673.

On 25<sup>th</sup> July 2016 the Minister for the Environment decided against determining the application until a Public Inquiry had been held, as the proposals would be likely to have a significant effect on the interests of a substantial part of the population of the Island, and would potentially be a departure (other than an insubstantial one) from the Island Plan. The Public Inquiry is timetabled for 24<sup>th</sup> to 26<sup>th</sup> January 2017.

This Statement has been prepared by Officers of the Department and does not necessarily reflect the views of the Members of the Planning Committee, or the Minister; none of whom have had involvement in its preparation, and none of whom have had sight of its content prior to release to the Public Inquiry.

This Statement should be read in conjunction with the full suite of documents to be submitted to the Inquiry, including the application documentation, and all evidence from the Department, which will include (inter alia) all consultation responses and representations received.

**The Department anticipate the Inquiry will be inquisitorial, rather than confrontational. However, we are concerned that the application as submitted has not fully set out the case in relation to the site selection process which has resulted in a Green Zone location, and the Island Plan aspirations concerning a high quality of design.**

**We look forward to assisting in the process of ensuring an open and thorough assessment of these points, and the wider application during the Inquiry.**

## **1. THE SITE**

- 1.1. The application site is in the Parish of St Brelade, immediately to the south of La Rue Carree, at its junction with La Route Des Quennevais. The site covers Fields 80, 84, 85, 86, 86A, 87, 87A, 88 and 88A and extends to about 60,000 sq m (6 hectares) in area. The highest part of the site is in the north-east corner, and there is a gentle fall towards the western side of about 5m in circa 300m.
- 1.2. The land is currently used for agriculture, for a mix of dairy and hay. The fields are somewhat unorthodox in their layout and shape, perhaps reflecting a mix of ownerships. Boundaries are generally defined by low hedgerows, with some intermittent larger vegetation.
- 1.3. To the south and the east the surrounding area is suburban, containing a mix of post-war residential housing, including very recent residential development to the frontage with La Route Des Quennevais. To the north are sports pitches and fields, before reaching the Airport Operational Area. To the north-west is a leisure complex / holiday village with golf course, and immediately to the south is the football pitch for St Brelade FC, with clubhouse. Further to the south-east is a cemetery, beyond which are public sports pitches, and the Les Quennevais Sports Centre. These are uses which are perhaps typical of the fringe of a settlement, as the land-uses change in a westerly direction towards the open dunes of Les Blanches Banques.

## **2. THE APPLICATION**

- 2.1. This application proposes a new secondary school, with associated infrastructure, including vehicular and pedestrian links, car parking, servicing, sports pitches and playground areas.

- 2.2. The school building provides about 11,500 sq m of floorspace and anticipates accommodating up to 850 pupils.
- 2.3. The building is orientated on an east-west axis, set along the southern element of the site. The entrance to the building is on the eastern elevation, nearest the main road. Internally the building is then arranged over two floors, having classrooms off a central 'street' running between the main hall and the sports hall. The building also includes a public branch library (adjacent to the main entrance) and, detached, immediately to the south side (where servicing and deliveries are to occur) is an energy centre.
- 2.4. The northern element of the site provides sports pitch provision, with further open areas to the west delivering additional sports facilities and a wildlife area.
- 2.5. Vehicular access and egress are provided to the main road frontage to La Route Des Quennevais, thereby delivering an internal road loop, with access (from the south) via Rue de Cimenterie, and egress (to the north), including a secondary filter to Le Rue Carree. The eastern area of the site also provides a landscaped car parking area, providing 108 car parking spaces, including disabled provision, plus space for eight buses.

### **3. THE RELEVANT PLANNING HISTORY**

- 3.1. There is no history of planning applications relevant to the development of a secondary school at the subject site.
- 3.2. For several years the Department have been aware of the emerging requirement for a new secondary school to serve the west of the Island, as replacement for the current Les Quennevais School, although this did not make it so far as to become an Island Plan requirement.

- 3.3. The issue was first raised with the Department in mid-2013 in relation to the Interim Review of the 2011 Island Plan, when the States of Jersey Education, Sport and Culture Department made a representation setting out that they were considering options for the future development of Les Quennevais School, and that this may include a new school to replace the existing facilities.
- 3.4. They highlighted that one of the potential sites was in the Green Zone, and a request was made to take this into account in the Interim Review, either as an amendment to the text of the Green Zone Policy NE7, or a “safeguarded site” in Policy SC01 Educational Facilities.
- 3.5. As a particular site had not been identified, and without comment on the merits of such a proposal, the Minister agreed to revise the Green Zone policy text, to make explicit reference to the potential provision of significant public infrastructure, such as a secondary school, and to ensure the environmental implication of any such development is properly identified, avoided and / or mitigated. This position was endorsed by the Independent Inspectors, and was taken forward to adoption by the States of Jersey in Policy NE7 of the Revised 2011 Island Plan.
- 3.6. In 2015 the Department were approached to comment on the planning issues as relevant to the site selection process, and initial written advice was issued on 31 March 2015, followed-up with further advice later in that year.
- 3.7. **The pre-application correspondence, specifically concerning the site selection process, will be presented as evidence to the Inquiry.**

#### **4. A PLANNING POLICY OVERVIEW**

- 4.1. Article 19 of the Planning and Building (Jersey) Law 2002 sets out that all material considerations must be taken into account in the determination of an

application for planning permission, and in general planning permission must be granted if the development proposed in the application is in accordance with the Island Plan. Permission may be granted for a proposal which is inconsistent with the Island Plan, if there is sufficient justification for doing so.

- 4.2. The Revised 2011 Island Plan is the current Island Plan, as adopted by the States of Jersey in July 2014.
- 4.3. According to the Island Plan, the site lies within the Green Zone, where Policy NE7 shall apply. NE7 establishes that “the Green Zone will be given a high level of protection from development, and there will be a general presumption against all forms of development”.
- 4.4. The supporting text establishes (from para 2.119) that the Green Zone is a living landscape, which already contains a great number and variety of buildings and land uses, and clarifies that Policy NE7 sets out a presumption but not an absolute moratorium against development. The key test is the capacity of the site and its context to accommodate development without serious harm to landscape.
- 4.5. NE7 then sets out a series of exceptions which may be permissible, only where they do not cause serious harm to landscape character, which includes (No. 14) “Strategic Development – where it is demonstrated to satisfy a proven Island need, relative to the proper assessment of alternative options.... such as a new secondary school.... but only where its environmental implications are properly identified, avoided and / or mitigated as far as possible.”
- 4.6. This is reflected in the supporting text (from para 2.165) which identifies that that strategic development, such as a new secondary school in the Green Zone, will need to be considered in the context of a full and thorough Environmental Impact Assessment to ensure that: the need is proven; alternatives have been

properly identified and considered; and that environmental implications for the Green Zone are properly identified, avoided and / or mitigated as far as possible.

- 4.7. The designation of large parts of the Island as Green Zone aligns with Strategic Policy Framework of the Island Plan, as articulated through Policies SP1 to SP7.
- 4.8. **The Department will be presenting evidence to the Inquiry to consider whether the location of the development successfully demonstrates compliance with Green Zone policy.**
- 4.9. **This will consider the general presumptions and ‘weight’ to be accorded to the Green Zone in the context of the Strategic Policy Framework of the Island Plan, particularly the Spatial Strategy in Policy SP1 (which seeks to concentrate development in the Built-Up Area), and the Efficient Use of Resources in Policy SP2 (which requires that development makes the most efficient and effective use of land - and other resources - to deliver a more sustainable form and pattern of development), which is further reflected in Policy SP3 in relation the Sequential Approach to Development.**
- 4.10. **The evidence will also review whether the application makes a satisfactory case in relation to the ‘need’ for a new school, noting that Policy SCO1 of the Island Plan does not include reference to support for new school facilities in the Green Zone, and paragraph 7.19 of the Island Plan indicates that capacity issues at Les Quennevais School can be addressed through management of the catchment area.**
- 4.11. **The submissions from the Department will also review whether the approach to assessing the potential alternative options was suitably**

**robust, and provided a balanced approach in the context of the relevant planning policy framework.**

4.12. Alongside the site-specific / locational considerations, the Island Plan contains a series of other general and technical policies which the application seeks to comply with, as itemised below:

SP1 - Spatial strategy

SP2 - Efficient use of resources

SP3 - Sequential approach to development

SP4 - Protecting the natural and historic environment

SP6 - Reducing dependence on the car

SP7 - Better by design

GD1 - General development considerations

GD3 - Density of development

GD5 - Skyline, views and vistas

GD6 - Contaminated Land

GD7 - Design quality

GD8 - Percentage for art

NE1 - Conservation and enhancement of biological diversity

NE4 - Trees, woodland and boundary features

NE3 - Wildlife Corridors

NE7 - Green Zone

HE5 - Preservation of archaeological resources

ERE1 - Safeguarding agricultural land

SCO1 - Educational facilities

SCO3 - Community facilities

TT2 - Footpath provision and enhancement and walking routes

TT3 - Cycle routes

TT4 - Cycle parking

TT5 - Road safety

TT8 - Access to public transport

TT9 - Travel plans

NR1 - Protection of water resources

NR2 - Water capacity and conservation

NR7 - Renewable energy in new developments

WM1 - Waste minimisation and new development

LWM2 - Foul sewerage facilities

LWM3 - Surface water drainage facilities

- 4.13. **The Department will be presenting evidence to the Inquiry to examine whether the application successfully demonstrates compliance with the all other relevant policies of the Island Plan (plus any associated Supplementary Planning Guidance).**
- 4.14. **In particular, submissions to the Inquiry will include evidence in relation to concerns about: the loss of agricultural land; the landscape and visual impact (particularly along the heavily trafficked interface with La Route des Quennevais); and, the quality of the design (with specific reference to the feedback from the Jersey Architecture Commission).**
- 4.15. **It is also anticipated that the Inquiry may wish to review highways matters in relation to the acceptability of the access and egress arrangements,**

and the emphasis given in the Island Plan on reducing the need to travel by car.

**5. OTHER MATTERS**

- 5.1. The Department and the applicant have produced a note for the Inspector (email of 5 December 2016) providing views on the topic headings to be considered at the Inquiry. Given the application has been readvertised, primarily due to amended highway arrangements, we reserve the right to up-date any or all of our submissions on the basis of further / final consultation responses or representations.
- 5.2. The Department can also confirm that a list of potential conditions will be drafted, on a 'without prejudice' basis, ahead of the Inquiry for consideration, as necessary, by the Inspector.

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