

REPORT TO MINISTER FOR PLANNING AND ENVIRONMENT

By Graham Self MA MSc(Eng) FRTPI

Application for Planning Permission by the Minister for Department for Infrastructure - Proposed New Secondary School and Associated External Facilities, Landscaping, Parking and Sports Field.

Reference Number: P/2016/0870

Site at: Fields 80, 84, 85,86, 86A, 87, 87A, 88 and 88A South of La Rue Carrée, St Brelade.

Introduction

1. I held a public inquiry into this application at St Brelade Parish Hall, St Aubin, on 24, 25 and 26 January 2017. I inspected the site and surroundings on 26 January, when I also visited other sites including the existing Les Quennevais school and other schools at Le Rocquier and Hautlieu.
2. After dealing with some procedural and administrative matters, this report refers to the application, provides a brief description of the appeal site, records the cases for the parties, and sets out my assessment, conclusions and recommendation. Possible conditions are covered in a separate section. A note of those who appeared at the inquiry is appended. A list of documents, numbered to correspond with references to documents in this report, is also appended.

Inquiry Procedure and Document Numbering

3. Normally for this type of inquiry I would invite witnesses to present their evidence in chief using their summaries of the proofs of evidence. Then the evidence as a whole, including the full written proofs and related documents, would be tested by questioning (cross-examination). As I mention later, no summaries of the proofs of evidence were supplied for this inquiry, so I invited witnesses to present evidence by reading from their proofs with some sections taken as read.
4. I invited Mr Nicholson (advocate and witness for the Department of the Environment) to put questions to the applicant's witnesses, and I invited Mr Glover (advocate and witness for the Department for Infrastructure) to question the DoE's evidence. I also put questions to each witness, in most cases to a greater extent than the questioning between the two main parties. As in all planning inquiries, the purpose of cross-examination is to verify facts where necessary and to probe the evidence so as to test its strengths or weaknesses, thereby assisting the process of weighing the evidence and making judgments. Mr Nicholson made clear that the DoE were represented at the inquiry as a neutral party, and his cross-examination was focused on clarifying or testing points of concern to the Department rather than points of opposition, since no view had been adopted by the Department or the planning committee about the application.
5. For the purposes of the inquiry and for reference in this report, I have numbered the documents as follows:
 - Documents submitted by the applicants: APP 1-APP 38.

- Documents submitted by the Department of the Environment: DoE 1-DoE 4.
- Other inquiry documents: INQ 1 to INQ 12.¹

Other Procedural and Administrative Matters

Recent History

6. An inquiry into an earlier application for planning permission for a new school at the application site was originally expected to be held in early November 2016. However, as described in paragraph 18 below, amendments to the application were made after its submission, following which the inquiry arrangements were re-arranged for the January dates. Allowing for the statutory period for advertising the amended application, the revised timing of the inquiry was the earliest feasible date, and made it necessary to reduce the time between the submission of proofs of evidence and the start of the inquiry to only a few days above the minimum.²

Inquiry Website, Documents and 3D Model

7. A government website was set up for this inquiry with the application documents uploaded on to it. It was not easy to access documents on the website, partly because even moderately sized documents apparently had to be split into several parts before being uploaded, so that finding the desired part of any document was often time-consuming. After I received paper copies of the documents, I used them for preparation and during the inquiry.
8. Arrangements were made for me to see illustrations from a 3D model during the inquiry.³ As will be referred to later in this report, "still" photographic illustrations from the model have also been submitted and are available for you to see.
9. Before the inquiry I issued information notes which were sent to the two main parties (the DoE and DFI) and were published on the inquiry website.⁴ In one of these notes (issued with an email from the Programme Officer on 8 December 2016) I stated that proofs of evidence longer than about 1500 words should be accompanied by a summary of not more than 1500 words. Neither the applicant nor the DoE complied with this instruction. Most of the proofs for the applicant were only a little longer than 1500 words; but Mr Bryans came to the inquiry with a longer proof than had been previously submitted, still without any summary.⁵
10. The document submitted as Mrs Galbraith's proof of evidence is less than 1500 words, but contains hardly any real evidence as it mostly merely refers to the content of Chapter 8 of the Environmental Impact Assessment (Document APP 5). This chapter - which is where the real evidence on landscape and visual

¹ At the time of the inquiry there were gaps in the numbers for the INQ documents. For the sake of continuity of numbering and ease of reference for this report, I have re-numbered some of these INQ Documents, as shown in the appended document list.

² The Planning and Building (Public Inquiries) (Jersey) Order 2008 specifies submission of proofs of evidence no less than seven days before the inquiry.

³ A CD containing information derived from the 3D model was among the items sent to me before the inquiry, but it could not be opened. After spending some time and taking specialist advice, I discovered that the CD was only configured to work with a certain type of software on PCs with Microsoft Windows. Like many people, I use an Apple Mac computer.

⁴ The first (preliminary) Note was dated 29 October 2016; the second was dated 8 December 2016; the third was dated 6 January 2017.

⁵ See footnote 2 above - Mr Bryans was in breach of the seven day minimum referred to in the Order, but there were no objections from other parties and I accepted his revised proof.

impact assessment is presented - has over 130 pages of text, plus maps, and is many times more than 1500 words.

11. Bearing those points in mind, I have decided that the most efficient way of reporting the cases is as follows. A brief outline of each party's case (based on their statements of case) is provided below; reference is made to the relevant proofs of evidence as sources of the evidence in chief; and with a few exceptions (for example, where I report oral evidence by a witness who did not submit a written proof) any significant points of information which emerged from cross-examination are then incorporated into the assessment section of my report, with the source referenced where appropriate in a footnote. I have asked that a set of paper copies of the submitted documents, numbered in the same way as in the appended list, should be supplied to you, so all the documents including proofs of evidence and their appendices should be available for you to examine to the extent you consider necessary.⁶
12. In my pre-inquiry information note of 6 January 2017 I stated that the schedule of agreed suggested conditions (which I had understood was then under discussion between the parties) should be submitted well before the inquiry. In the event a schedule of draft conditions was emailed by the DoE to the Programme Officer on the Friday evening before the Tuesday start of the inquiry; but this document had not been subject to any discussion with the applicant and was not an agreed or joint list of suggested conditions. Fortunately it was possible to make some adjournment time available on the third day of the inquiry for a discussion between the applicant and DoE about conditions, without this taking the inquiry into an additional day.

Appearances at the Inquiry

13. In all of the information notes which were sent to the parties and published on the inquiry website, I asked anybody with an interest who was intending to take part in the inquiry to contact the Programme Officer. One of the reasons for this was to enable decisions to be made about an inquiry timetable. The requirement for proofs of evidence to be submitted before the inquiry was also made clear in these notes.
14. No responses were received from any interested persons, other than an email to the Programme Officer from a person enquiring about the possibility of an evening session of the inquiry being held. At my request the Programme Officer sent two emails in reply, the second of which asked whether the person intended to appear at the inquiry and indicated that I would investigate the feasibility of holding an evening session. No reply to either of the emails was received. At the start of the inquiry I also asked whether any person other than the DFI and DoE representatives wished to take part in the inquiry. Nobody responded.

⁶ There are some additions to the documents submitted before and during the inquiry:

- (i) A document which I have numbered as Document APP 1A - this was sent to me in response to a written query I raised after the inquiry about the dates of the application and later amendment. It is a copy of the covering letter dated 30 November 2016 from the applicant, which was evidently submitted with the amended plans.
- (ii) Document DoE 4 - this is a note of the opening statement for the DoE, sent to me after the inquiry as arranged during the proceedings.
- (iii) Document INQ 12 - this is a note prepared by the Director of Land Controls providing information in response to a question I asked about agricultural land quality, sent me to after the inquiry as arranged during the proceedings.

15. However, on the second day of the proceedings I was told that Connétable Steve Pallett of St Brelade Parish wanted to make an oral submission to the inquiry. An opportunity became available for him to do so when one of the applicant's witnesses was delayed by a travel problem, so it was possible - on this occasion - to accommodate Mr Pallett's late request to appear without prior notice and without any prior submission of a proof of evidence.

Other matters Relating to Submitted Documents

16. Bearing in mind that you may wish to study parts or all of the proofs, plans and other documents, it is necessary to record here that there are some errors in the documents which can either make understanding them difficult or involve factually incorrect points. During the inquiry I sought to verify the main such errors which I had encountered beforehand and these are listed below.

Documents APP 2D and 2L (Proposed Site Plan and Parking Layout): The label "Raised Area over Roadway" in front of the proposed building should read "Raised Area of Roadway" - it is not meant to indicate that there would be anything over the roadway.⁷ The five parking spaces indicated on the site layout plan (labelled "Parking 5" on the activity area south of the school building) are not meant to be counted as part of the parking space provision. They would be intended for service vehicles. Although the parking layout and site plans show only seven (not eight, as numbered) drop off/pick up spaces, the northernmost space would evidently be intended to count as two spaces (this is numbered 1 and 2 on the Proposed Site Plan, Document APP 2D - these spaces would apparently be shorter than the others).

Document APP 17, page 32: The table in paragraph 8.4.2 is incorrectly labelled in the left hand column "2025 Design Year". This should be "2019 + Committed Development". The label in the left hand column of the table in paragraph 8.4.3 which reads "2025 Design Year" should be "2025 Design Year + Committed Development".

Document APP 17, page 41: The plan which shows car parking spaces immediately next to the site entrance has been superseded; parking spaces in this location are not now proposed. Although the plan is labelled "Proposed Access", it was only intended to show the proposed Rue Cimetière/Route des Quennevais junction layout.

Document APP 17, Appendix H: At page 6 of this appendix, the table headed "Pedestrian Crossings" shows Arm B as "None". (This also appears in some other tables.) However, pedestrians would cross this arm of the junction. On the following page, in the table headed "Average PCU Per Vehicle" the figure 1.000 appears to be wrong because it suggests a traffic mixture comprising wholly cars with no large vehicles such as buses.

Document APP 24 (on the fourth of the unnumbered pages of text, under the heading "Street"): In the phrase "litigable within the excitement of a large volume", "litigable" should be "legible".

Document APP 29 (on the third unnumbered page, in the sixth unnumbered paragraph on this page): Mr Freeman's description of the school building as being sited parallel to La Route des Quennevais is incorrect. This should describe the school as being sited at *90 degrees* or *at a right angle* to La Route des Quennevais.

Document APP 33, paragraph 4.1.4: The figures given here by Mr Walker for the number of parking spaces in the various parts of the site are wrong. The parking layout plan shows 3x16 or 48 spaces (not 49) in the northern part of

⁷ A similarly worded notation appears on the entrance elevation drawing, Document APP 2H.

the car park and 16+14+15 = 45 spaces (not 35) in the southern part, with two visitor spaces (not "an additional 11") west of the main access road. The figures put forward in response to my queries were: in total 93 spaces are proposed, of which 82 would be for staff and 11 would be allocated for visitors.

Document APP 33, paragraph 4.1.5: The figure of 12 proposed bus bays is wrong. This should be eight.

17. A common problem in written evidence for planning inquiries is that witnesses often use the simple future tense when referring to proposed development ("The development will create..."; or: "The proposal will provide..."). In my experience this can cause concern and complaint by objectors who may think that a decision to carry out the development has already been taken. Several proofs of evidence for this inquiry have been written in that way; and in parts of at least one witness's proof the *present* tense is used ("The school creates a point of difference...it allows filtering through the site"). All such statements should be treated as if they were expressed with conditional verbs - "The proposed development *would*..." - because until a decision on the application has been made, any statement about the future of the proposed development is conditional.

The Application

18. The application is dated 23 June 2016.⁸ The application was validated on 4 July 2016 (the delay apparently being due to an item in the application being incomplete). The application was then registered and advertised. Then amendments to the application were submitted on 30 November 2016, with a revised layout plan, amended versions of some related plans, and what was described in the applicant's covering letter as an addendum to the Transport Assessment (this appears to have been the Technical Note, Document APP 25). The main differences from the earlier scheme were the proposed addition of the exit on to La Rue Carrée and the widening of part of this road. Although the applicant suggested that the amendments would not need to be re-publicised, the DoE decided it was necessary to re-advertise the application.⁹
19. After opening the inquiry I put some questions to the applicant's representatives about what appeared to be errors or omissions in the application. As a result of the responses, I record here that:
- (i) The application was made as a "detailed" application (not "outline") so the box labelled "Siting" at Item 8 in the application form should not have been ticked to indicate that all the other items shown were "reserved matters" under an outline application. All the matters listed in this part of the application were intended to be covered by the detailed application.
 - (ii) Item 11 in the application should not have been left blank. It is proposed that foul sewage would be disposed of by connection to the public main sewer.
 - (iii) The information indicated at Item 14 in the application was incorrect. "No" should have been "Yes", since the proposal would involve a gain in non-residential floor space.

⁸ The copy of the application form supplied to me (Document APP 1) is unsigned and undated. However, the copy published on the States' online register of planning applications shows the signature spaces blacked-out, indicating that the application as submitted was signed, and this is dated 23 June 2016.

⁹ Source: Document 1A (the covering letter sent with the amended application of 30 November 2016).

20. A number of the plans contained in the application documents are also incorrect, as they do not show the northern vehicular exit on to La Rue Carrée (apparently because the documents concerned were prepared before June 2016 and were not updated to bring them into line with the amended proposal). Two examples are the plan headed "Internal Layout" on page 20 of the Transport Assessment (Document APP 17), and the plan which follows page 37 of the same document. Another example is a drawing titled "Landscape Strategy" (Figure 23 in Appendix 1 of Chapter 8 of the Environmental Impact Assessment, Document APP 5). A corrected version of this last drawing was handed in later during the inquiry and I have included it in the documents as Document APP 38.
21. Since the application site does not include Field Number 77, I drew attention to the owner's declarations (Document APP 3), which appear to relate to a different site containing Field Number 77. Some of the declarations are also not dated, although they are signed. Your Department is evidently satisfied that these certificates meet the necessary requirements for the application to be treated as valid, so I do not propose to query this matter further.
22. During the first day of the inquiry I was told that discussions about the application were going on between the DoE and the Transport Policy section of the DFI. Earlier in 2016 the Transport Policy section had opposed the then proposed position of the vehicular exit on to La Route des Quennevais because of its closeness to the junction between that road and La Rue Carrée. An alternative with the exit junction on to Rue Carrée combined with major alterations to the junction where Rue Carrée meets La Route des Quennevais had been considered but rejected.¹⁰ The proposed position of the exit junction from the site to La Route des Quennevais had then been moved slightly southwards so that it would be a minimum of 20 metres from the road junction to the north, and this was considered acceptable by the Transport Policy section.
23. The amended proposal put forward in late November 2016 with the "slip road exit" on to La Rue Carrée was supported by the Transport Policy section - an officer of this section wrote in a consultation response dated 1 December 2016 that "the Department for Infrastructure are supportive of this application".¹¹ (The reference here to the Department for Infrastructure obviously means the Transport Policy section acting independently, since the DFI were acting as the applicants on behalf of the Minister and so could hardly do otherwise than support the application.) Later, the Transport Policy section evidently looked again at the proposal, and raised objections about off-site parking and inadequate provision of car parking within the site for use by parents when picking-up children.
24. I return to this matter later in my report. At this point I merely record my surprise that given the length of time during which this project has been in the process of formulation, objections were raised by a section of the DFI at such a late stage as to cause negotiation with the planning authority to be carried on even after the opening of the inquiry.

¹⁰ Some details are in Document INQ 11.

¹¹ This is one of the consultation responses in Document INQ 5. Some comments were added about cycle stands and other matters such as conditions on visibility splays, but no objection or concern was raised about car parking provision. The 1 December date was after the decision to amend the application and the comment in support referred to "the amended plans now submitted" (ie with the main vehicular exit on to La Route de Quennevais but with the addition of the exit on to Rue Carrée).

Site and Surroundings

25. The location of the appeal site can conveniently be seen on the map at Document APP 2A. The site comprises an area of mostly open land lying west of La Route des Quennevais and south of La Rue Carrée. The land is divided by established field boundaries and when I saw it was largely covered by rough grass. The site slopes gently down from the east towards the centre.
26. North of La Rue Carrée there is largely undeveloped open land except for a sports ground with a small pavilion and an adjacent car parking area accessed through a gated entrance off La Rue Carrée. Further north there are views across fields towards the airport.
27. To the west the area is generally rural, though there are a few dwellings and other development including Les Ormes Leisure Resort and an adventure centre in a wooded valley. There is also a group of farm buildings and cottages north-west of the site near the point where La Rue Carrée bends and a track leads off to the south.
28. To the south, part of the site is bordered by La Rue Cimetière (a turning off La Route des Quennevais leading to a cemetery), partly by agricultural land and partly by a playing field. A recently-built block of flats with white-painted rendered walls stands immediately south of La Rue Cimetière near La Route des Quennevais.
29. East of the application site on the opposite side of La Route des Quennevais is a residential area. Most of the dwellings here are either bungalows or "chalet bungalows" with dormer-type windows, or two-storey houses, with conventional ridged and tiled roofs. The roads serving most of this area appear to be private roads which do not have footways (pavements). Further north on the east side of La Route des Quennevais there are some commercial buildings including a car dealership and petrol filling station.

Case for Applicant

30. In addition to submitted documents, the applicant's case at the inquiry was presented primarily through evidence by six witnesses covering the following topics: the need for a new school; consideration of alternative sites; landscape and visual impact; design of the proposed school; consideration of the project against Island Plan policies; and transport impact.
31. The proposal is for the erection of a secondary school to accommodate up to 850 pupils in years 7 to 11. The school would be located in the Parish of St Brelade on the northern perimeter of the area known as Red Houses. The school building would have a floor area of about 11,000 square metres and would be orientated east-west. The development would include associated car parking facilities and a playing field. The site would be accessed by vehicles at its south end off Rue Cimetière, with an exit to the Route des Quennevais near the site's northern boundary. A left-turn only exit is also proposed on to Rue Carrée.
32. There is a need for the new school to serve the west of the island, which cannot be met by adjusting school catchment areas. Refurbishing and extending the existing school would not create an appropriate building. A comprehensive and thorough search of potential alternative sites has been carried out.
33. The proposed development would be in accordance with the 2011 Island Plan as revised in 2014. Notwithstanding a general presumption against development in the Green Zone, the proposal would be fully in line with Policy NE7 of the plan, as

well as with other strategic policies, general development policies, and policies on the natural environment, historic environment, transport, natural resources, and waste management. The proposal also reflects the guidance in relevant supplementary planning guidance.

Need for a New School

34. Evidence on this topic was given by Deputy Rod Bryans (Education Minister) and Mrs Sarah Hague (Head Teacher at Les Quennevais School). Their proofs of evidence are Documents APP 27 and APP 28, but at the inquiry Mr Bryans presented and spoke to his revised proof (Document APP 35). Some aspects of the need for a new school are also dealt with in Mr Glover's rebuttal proof (Document APP 34, paragraphs 3 and 4 and Appendix RG5).

Consideration of Alternative Sites

35. Evidence on this topic was given by Mr Glover. The proof of evidence is Document APP 30, with additional rebuttal comments in Document APP 34 (paragraphs 5-17 and related appendices).

Landscape and Visual Impact

36. Evidence on this topic was given by Mrs Galbraith. Her proof of evidence is Document APP 31.

Design of the Proposed School

37. Evidence on this topic was given by Mr Freeman. His proof of evidence is Document APP 29.

Planning Policies

38. Evidence on the planning policies of the Revised Island Plan and relevant Supplementary Planning Guidance was given by Mr Glover. His proof of evidence is Document APP 32, with some additional material in his rebuttal proof (paragraphs 18-23 and Appendix RG8).

Transport Impact

39. Evidence on this topic was given by Mr Walker. His proof of evidence is Document APP 33.

Case for Planning Authority

40. The case for the DoE was presented primarily through evidence by Mr Nicholson. His proof or evidence is Document DoE 2, with a volume of appendices as Document DoE 3. Document DoE 4 is a note of Mr Nicholson's opening submission.
41. In summary, the Department are concerned that the application has not fully set out the case in relation to the site selection process which has resulted in the Green Zone location, or the case relating to Island Plan aspirations concerning a high quality of design. Particular consideration needs to be given to the weight accorded to the strategic policies in the Island Plan, including Policy SP1 (which seeks to concentrate development in the built-up area, Policy SP2 (which requires that development makes the most efficient and effective use of land and other resources), and Policy SP3 on the sequential approach to development.
42. It is necessary to consider whether the application makes a satisfactory case in relation to the need for the new school, noting that Policy SCO1 of the Island Plan does not include support for new school facilities in the Green Zone, and that paragraph 7.19 of the Island Plan indicates that capacity issues at Les

Quennevais School can be addressed through management of the catchment area. The Department also seek to review whether the approach to assessing the alternative options was suitably robust and provided a balanced approach in the context of the planning policy framework.

Representations by Other Parties

43. Two letters commenting on the application were written to the DoE by people who appear to be local residents (Ms A Jauncey and Ms Sarah McKinnon - Documents INQ 1 and INQ 2), although I cannot be sure because addresses have been blacked out on the copies supplied to me. Another letter (Document INQ 3) was signed by an individual (Mr T A Picot) but appears from the letterhead to be on behalf of a firm of paralegal and business consultants. A fourth letter (Document INQ 4) was from the Bosdet Foundation Trust, which manages Les Ormes Sports and Leisure Centre.
44. Ms Jauncey strongly opposes the proposed location of the new school and refers to the importance of preserving the green spaces for future generations. Ms McKinnon writes as a parent and architect; she sets out a number of criticisms of the design of the proposal, including the shape, elevations and finishing materials proposed for the building. She finds the proposals to be deeply disappointing and a missed opportunity.
45. Mr Picot of Solution Seekers objects to any building being approved on Field 87, which is opposite a property owned by Mr Picot at 3 Le Clos St Sampson. His objection is particularly concerned with a covenant ensuring that the land remains in agricultural use, any breach or removal of which would result in legal proceedings being pursued. Mr Mike Graham on behalf of the Bosdet Foundation Trust expresses general support for the proposal but describes several concerns about traffic generation, including the likelihood of increased car usage caused by the location of the site in a location more detached from the built-up area than the existing school.
46. Written comments sent by various bodies such as Ports of Jersey, the Parish of St Brelade, the Jersey Farmers' Union and government departments as responses to the standard procedure for consultation on the application are in the bundle at Document INQ 5.¹²
47. As noted above Connétable Steve Pallett made oral submissions at the inquiry on behalf of St Brelade Parish and as Sports Minister. On the sports-related issues, he submitted that Les Quennevais sports complex is a premier facility which could cater for major events and would be difficult to replicate elsewhere. Such a move would cause irreparable damage to sport. The hockey club were about to invest in new facilities and the 1500 metre cycle track would be impossible to replicate on another site. All sports clubs were horrified that Les Quennevais sports facilities could be lost.
48. On traffic and transport issues, Mr Pallett said he could speak on behalf of the Roads Committee. The roads in the residential area on the opposite (east) side of La Route des Quennevais from the site were private roads where police had no powers to act against problems such as obstructive parking. La Rue Cimetiére was a public road but increased parking there would cause problems. Parents of school-children sometimes do not comply with what they are told to do when dropping off or collecting their children.

¹² The consultation responses are also in Appendix G of Document DoE 3.

49. Widening the Rue Carrée would be a bonus. The proposed exit on to Rue Carrée would give parents a choice of route. Mr Pallett knew of children who went home via a western country route. Questioned about this point, he said his view was based on personal experience and local knowledge, although he did not have any factual evidence and did not want to challenge the figures supplied by Mr Walker.

Assessment and Conclusions

50. In this section of my report I first refer to a number of matters covered by the evidence, mostly in the form of submitted documents, which appear to be uncontroversial or deal with non-planning matters. I then set out my assessment of the main topics on which evidence was given at the inquiry, before drawing conclusions leading to my recommendation. A separate section discusses possible conditions which could be imposed if planning permission were to be granted.

Uncontroversial or Non-Planning Matters

51. Some of the information contained in documents which accompanied the application and were submitted as part of the written evidence for the inquiry appears to be uncontroversial. Much of this information also concerns matters covered by building regulations or other non-planning legislation. Therefore I comment only briefly on these matters.
52. An investigation of ground conditions has been carried out by specialist consultants to assess the potential risk of contamination and geotechnical hazards on the application site. The "Phase 1 study" is reported in Document APP 20. Some points of further investigation are recommended in the conclusion of this document but no reason why the proposed development should be prevented is identified.
53. Another firm of consultants undertook a subsequent ground investigation which included trial pits and sample boreholes. Most of the sub-surface soil on the site was found to be representative of the Jersey shale formation but generally suitable for the construction of buildings with conventional strip foundations. As regards contamination, no pollutant linkages were identified other than those considered negligible. Recommendations are made in Document APP 21 about having a watching brief during any construction, disposing of waste, and using imported material for areas of soft landscaping.
54. Document APP 22 contains a "BREAM International Bespoke New Construction Assessment Report".¹³ This sets out targets and specifications for items such as water or energy consumption.
55. Document APP 13 reports on a desk-based archaeological assessment of the site carried out in 2014. It recommended that an evaluation be made by trial trenching to determine the presence and significance of archaeology so that suitable mitigation measures could be established.
56. Document APP 19 provides the results of a desk-based archaeological assessment of the application site, carried out as a follow-up to the previous (2014) investigation. The summary conclusion is that there is a potential for unidentified archaeological deposits to be preserved, and that the previous recommendation remains.

¹³ BREAM ("Building Research Establishment Environmental Assessment Method") is part of a code for a "sustainable built environment".

57. A "Strategic Level Access Statement" is provided in Document APP 23. This relates to access issues under legislation on disability and special educational needs. The topics in the report include horizontal and vertical circulation, toilet facilities and staff training.

Need for Proposed School

58. Some aspects of the applicant's "need" case are in my judgment unconvincing. For example, the existing school evidently caters for disabled pupils from all over Jersey. During the inquiry I questioned the logic of a policy of designating the school with the oldest buildings, which on the face of it appears to be the least well able to cater for those with physical needs such as wheelchair users, as the school catering for disabled pupils from the whole of Jersey. I was told that the reason is that it is better to concentrate the relevant specialist staff in one place¹⁴ - which is understandable, but does not explain why the specialist staff could not be located in one of the schools with more modern buildings.
59. The fabric of the existing school building is evidently suffering from physical deterioration. Part of the applicant's case is that alternative accommodation is required because of ever-increasing maintenance costs associated with older buildings. I do not see that as a compelling reason for permitting the proposed development - it is the sort of consideration which could apply to many older buildings in Jersey, and is not an exceptional circumstance capable of justifying development in the Green Zone.
60. Two of the factors affecting need are recent changes in the birth rate in Jersey and the way school catchment areas are defined. There was evidently an unexpected increase in the birth rate in 2010 and 2011. These children are now in primary schools. As currently operated, education policy in Jersey is that primary schools "feed" specific secondary schools.¹⁵ In my view this is another weakness of the applicant's case, since the policy must create inflexible secondary school catchments which on the face of it, could cause imbalances such that one secondary school could be over-subscribed while another is under-subscribed. Indeed, the figures of school population predictions in Appendix RG5 of Document APP 34 show that some secondary schools are expected to have increased pupil numbers in the period up to 2026 but that is not universal - for example the pupil numbers for Le Rocquier decline from 825 to 772. There would be little point in building a new school if the school capacity needed could be provided by introducing a more flexible policy about the links between primary and secondary schools and their catchment areas.
61. However, the available evidence indicates that other schools in Jersey are, or will be, catering for pupil numbers at or near their capacity. It seems that the scope for amending catchment areas is limited, and not so flexible as would do away with the need for a new school to serve the west of the Island or would enable a smaller-scale scheme to meet predicted future requirements.
62. Other aspects of the applicant's case are more powerful. The existing Les Quennevais school is operated despite disadvantages arising from the age of the building, its layout, its constricted site and its location with access through a residential area. The building evidently dates from the 1960s and is unsuited to modern educational needs in several ways, not only because of features such as a lift which opens directly into a classroom (so that wheelchair-using pupils have to pass through an actively-used classroom to reach another room), but also

¹⁴ Source: my questions to Mrs Hague during the inquiry.

¹⁵ Source: my questions to Mrs Hague during the inquiry.

because of the difficulty of providing appropriate space for facilities such as an "immersion room".¹⁶

63. The location of the existing school site with access through residential streets and restricted on-site space for vehicles has road safety and amenity implications, and buses arriving near the end of the school day are liable to cause noise disturbance to lessons because they park close to classrooms. There is a lack of outdoor space and the need for combined uses of some areas (such as school events in the gymnasium) is disruptive. The need for pupils to go off-site to the nearby sports centre and the shared use of public changing facilities creates safeguarding issues.
64. Having weighed the evidence, I conclude that there is a strong, though not overriding, need for a new school.

Alternative Sites

65. It is clear from the evidence that a range of alternative options has been considered. A "sequential test" approach has been adopted, using planning policy criteria in the Island Plan. As is described in Document APP 30, 12 options were initially considered. Three of these involved refurbishing and extending on the existing site, or on the existing site together with other land (Les Quennevais sports fields or Les Blanches Banques). The other options involved building anew, on nine different sites, one of these being the existing school site. Two other locations were then suggested during discussions about possible sites.
66. From this exercise, three sites which were assessed as being potentially available, suitable and viable emerged as a "short list". These were evaluated looking at factors such as traffic, visual and landscape impact, ecology and archaeology. The Education Ministry carried out a public consultation process, asking for views and comments on the short-listed sites. This generated 1,353 responses.
67. One of the issues arising from the consideration of alternative sites is what has been called "flipping" - that is to say, using land which currently provides open space and/or sports grounds adjacent to the existing site to build a new school, and then using the site of the existing school building to replace the lost open space and sports facilities. The disruption which would result from this would be very great, and I can see why this prospect was ruled out. The idea of splitting the school across two sites was evidently considered, but rejected partly because of likely problems of safeguarding pupils moving between sites, as well as problems of disturbance to the existing site during the construction phase.
68. The evidence also indicates that the site using land south-east of Les Quennevais sports fields would have a significant impact on the whole of the island through the loss of playing fields and associated facilities. These are evidently one of the island's premier venues for a range of sports. A "Playing Field Equivalence Study" was commissioned to assess what would have to be provided for equivalent quality replacement playing fields. This concluded that the reduction and relocation of the existing unified site could have significant implications with the critical mass of sports facilities provision, mainly due to the fragmentation of sports and the difficulty of maintaining multiple sites.¹⁷ The pitches at Les Quennevais are evidently on sandy soils which enable sports to be played in poor weather. The total area available also makes it possible for the arrangement of

¹⁶ This is where IT-related learning activities using touch-sensitive equipment can be carried out.

¹⁷ Source: Document APP 7, page 3.

pitches to be altered from one year to the next. These circumstances would probably be difficult to replicate elsewhere.

69. There is room for debate about some of the evidence on alternative sites - for example, the statement (relating to Option 2 of the short-listed sites) that the loss of agricultural land would not result in serious harm to the landscape character¹⁸ relies on a rather technical definition of *landscape character*, and I think most people would consider that placing a large building complex having some 11,000 square metres of floor area on what is at present open fields would result in serious adverse effect on the *landscape*. Nevertheless some 67% of the respondents to the consultation supported Option 2 of the short-listed sites (this was the application site together with Field 77).
70. Overall, I judge that thorough consideration was given to alternative sites and that in the main, the findings in support of the applicant's case were robust.

Planning Policies

71. There is of course an overlap between planning policies and other matters, but it is convenient to discuss policies under this separate heading. Document APP 32 contains a detailed schedule setting out relevant policies and text references in the Island Plan with an assessment of how the proposed new school project compares with each part of the plan. Supplementary Planning Guidance is also referred to. I do not propose to consider all the items in this detailed schedule of about 67 pages, and I refer elsewhere to those policies on ecology and archaeology.¹⁹ Of the remaining policies, I consider that the most relevant are:
- Policies SP1 to SP3, which aim to concentrate development within the built-up area, ensure the efficient use of resources, and adopt a sequential approach to development
 - Policy SP7 which seeks to achieve a high quality of design.
 - Policy SCO1 which sets out criteria applicable to the provision of new educational facilities.
 - Policies GD1, GD5 and GD7 which concern the criteria for assessing planning applications, protecting strategic views or vistas, and design quality.
 - Policy NE7 on the protection of the Green Zone.
72. The fact that the application site lies within the Green Zone is a key factor in this case. Policy NE7 establishes a general presumption against all forms of development in the Green Zone; but this is not a complete ban on the construction of buildings or on any other sort of development. It is of particular note that the policy was amended during the review of the Island Plan in 2011, so that one of the exceptions to the general presumption against development is where:
- "it is demonstrated to satisfy a proven Island need, relative to the proper assessment of alternative options....or other elements of significant public infrastructure, such as a new secondary school, but only where....its environmental implications are properly identified, avoided and/or mitigated as far as possible".

¹⁸ This statement is at paragraph 29 of Document APP 30.

¹⁹ As I have treated archaeology as an uncontroversial matter, I do not consider it necessary to discuss planning policies on archaeology in this section. Policies on ecology are mentioned when dealing with conditions (one of which would refer to species protection plan).

73. Policy SCO1 was not changed during the 2011 review of the Island Plan. It provides that proposals for additional educational facilities will be permitted provided that the proposal is within the grounds of existing educational facilities, or on a safeguarded site, or within the built-up area.
74. The proposed new school would not meet the criteria of Policy SCO1. But this policy is positively framed - that is to say, it sets out what will be permitted but does not prevent development not meeting the policy criteria. It is also understandable that when the Island Plan was reviewed, it was not feasible to safeguard a site for a new school because the process of evaluating alternatives was only at an early stage. As for Policy NE7, it is clear that much work has gone into examining the environmental implications of the application proposal, identifying them and avoiding or mitigating them as far as possible. Policy SP1 mentions concentrating development within St Helier in particular, and for catchment area reasons this would obviously be impractical.
75. Under Policy ERE1 of the Island Plan there is a presumption against the permanent loss of good agricultural land for development. In their written consultation response, the Jersey Farmers' Union acknowledge that the fields at the application site "are not the best in the Island" but say the development would cause a considerable loss to the agricultural land bank.²⁰ The proposal would undeniably cause a loss of agricultural land; but this is inevitable if the development were to proceed and I do not see the loss of agricultural land as a compelling reason to refuse planning permission.
76. Bearing those points in mind and taking Policies NE7 and SCO1 together with the other planning policies, it seems to me that although there is a conflict with policies aiming to guide most development into the built-up area and away from the Green Zone, the investigation of alternative sites has shown good reasons for making an exception in this instance.

Building Design

77. In considering design matters, it is necessary to study the application plans as well as other documents, notably including the Design Statement (Document APP 24). Several illustrations reproduced from the 3D model were handed in during the inquiry (Document APP 36).²¹ In general when considering design, I think it is useful to have in mind four key aspects: scale of building; building form or shape (including roof shape); proportion of window to wall; and finishing materials.
78. I have to say that the Design Statement is disappointingly flawed. In my judgment it makes claims which are overblown and so pretentious as to be inaccurate. I quote some random examples below.
- "It [the proposed school] strengthens the existing surroundings views and patterns of buildings serving the community of the Island".
- "The school will unite and will enhance and embrace the surrounding residential and open amenity spaces of St Brelade".
- "Scale height of building to neighbouring building [*sic*] are not seen in context with each other as there is a division of green landscape".

²⁰ The quotation is from the JFU's letter (in Appendix G of Document DoE 3).

²¹ There are other model-derived illustrations in Appendix H of Document DoE 3, but these are more distant views.

79. I do not see how the proposed development would "strengthen" the existing surroundings or views or pattern of building. Nor would the nearby residential area be "enhanced" or surrounding open amenity spaces be "embraced". And despite the plan to position the proposed school building set back from La Route des Quennevais with some open land around it, the scale of the building, together with the associated development such as the parking area, would be apparent from many nearby viewpoints, and would clearly contrast with the much smaller scale of most nearby built development. Indeed, the Design Statement itself appears to admit this contrast, by stating that the development "sets itself from the neighbouring spaces and buildings in colour, materials, scale and detail".
80. Mr Freeman said in response to questions that timber boarding was heavily used in Jersey, that aluminium was a slender, durable material and that the proposed building would act as a "book end" to the built-up area. You will have your own local knowledge. I would only comment that I did not see any significant buildings within the area shown on the location plan submitted with the application, or within the area described by the applicant's landscape architect as the setting of the site,²² which were clad in aluminium sheet. The proposed building would no doubt provide a substantial visual stop in views from or into the built-up area, but in my judgment the effect would not be to "close the vista" in the classic urban design sense; and even if it were considered to do so, whether the design of this building would be appropriate is another matter.
81. On other points in the Design Statement, I think the claims that the school "will add a positivity to its locality" and that "the façade creates a visually rich screen of constantly changing patterns of light and movement, expressing its internal functions of learning to outside places of learning with an ever changing layer of visual delight to the urban landscape" are best left to your judgment.
82. Going back to the four aspects of design mentioned in paragraph 77 above, Policy GD7 of the Island Plan provides that where the design of proposed development does not "adequately address and appropriately respond to" various criteria, it will not be permitted. The criteria include the scale, form, massing and other aspects of the development, the relationship to existing buildings and the degree to which design details, colours, materials and finishes reflect or complement the style and traditions of local buildings.
83. The scale and massing of the proposed building would contrast with its surroundings. Seen from the north, for example, the view over what are at present mostly open fields would be replaced by a view (albeit partly softened by planting and other landscape measures) of a large structure extending east-west for about 170 metres up to a height of about 14 metres. The proportion of window to wall seen in different aspects of the proposed building would also inevitably be different to most of the more domestic-scale structures nearby. Those differences would be unavoidable, since a school has particular scale and window size requirements which could not reasonably be expected to reflect or complement its setting.
84. Of greater concern in my view are other design components including finishing materials, building shape and some design details. I can understand why different finishing materials are proposed with the idea of breaking up the mass of the building; but the use on the walls of anodised aluminium cladding, plus in places translucent cladding panels, timber boarding, buff brickwork plinths or panels and painted render, with roofs of standing seam aluminium panels, ply membrane, and anodised aluminium panels, would create a visually jarring

²² See also paragraph 89 which gives source details on this point.

hotch-potch effect. This would be made worse by what I consider to be un-coordinated shapes in all elevations.

85. Document APP 36A (an angled view of the eastern part of the proposed building taken from the 3D model) demonstrates what I mean as far as the front elevation is concerned. In this important elevation, there would be flat or shallow monopitch roofs at several different heights, together with different structural angles and different finishing materials, all creating a patchy effect and making the building look as if parts had been "tacked on" without any harmony or theme. I therefore disagree with the claim in the Design Statement about the "careful portioning of the entry element".
86. The square-shaped structure (with "brise soleil" slats or louvres) which would project forward at the front of the building would be quite prominent in the local scene, being set behind the mostly open area between La Route des Quennevais and the building. From the evidence, I am not aware of any other building in the vicinity which this feature is seeking to reflect. I think this would appear as an alien feature to many people, though some might see it as innovative.
87. Other elevations, as shown in the application drawings and illustrations from the 3D model, may not be quite as bad, but there would be little harmony of design. This would be particularly so in the west elevation (the drawing numbered 3 in Document APP 2I²³).
88. To some extent it is inevitable that the energy centre would have a functional appearance, and a simple design is appropriate. Even so, its appearance would be very utilitarian, with apparently little attempt to match the form of the main building.
89. The intention behind the choice of some of the proposed finishing materials is apparently to reflect materials used on other buildings not far away, such as the fire station and Communicare buildings near the Red Houses junction.²⁴ But those buildings are too far away to be on the location plan (Document APP 2A) and do not form part of the application site's setting. For confirmation of this, I refer to the description provided in Chapter 8 of the Environmental Impact Assessment (paragraph 8.69 on page 123 of Document APP 5), where a description of the site's setting is provided by a landscape architect. This description does not mention the more distant area where the fire station and Communicare buildings are located.
90. In any case, I suggest that whether the design of the proposed school should try to emulate or imitate components in a building such as a fire station is debatable. The same applies in my view to the fact that the proposed design is evidently modelled on a school in Essex. I have only seen photographs of that school and have no information about its surroundings, but what suits a setting in Essex would not necessarily suit this application site and its setting.
91. A curious inconsistency in the reasons for selecting an east-west axis for the proposed building is the evidence that teaching children in direct sunlight is not favoured as it reduces concentration levels.²⁵ Yet many of the teaching rooms in the proposed building (mostly labelled in the plans as science on the first floor and drama on the ground floor) would face directly south and have large

²³ This reference is to Document "figure two capital letter I" (not 21).

²⁴ Source: my questions to Mr Freeman.

²⁵ The source of several points of evidence mentioned in this paragraph is Document DoE 3, Appendix J.

windows. I also note the view of the Jersey Architecture Commission²⁶ (abbreviated below to "JAC") that a north-south orientation of the building would deliver significant advantages to the quality of the teaching environment. The JAC had additional doubts about the usability of the north-facing courtyards.

92. When I queried this point, Mrs Hague said that the drama classes could use blinds, and that science teaching would be less affected by sunlight than other subjects and could take advantage of it. Having seen classrooms with blinds in place at the existing Les Quennevais school, it is difficult to understand why concentration in a science lesson would be less affected than concentration in geography, maths or any other subject, especially when using computers. It also seems to me that blinds might well have to be used fairly frequently - for science or any other sort of teaching in the south-facing rooms - if the proposed school were to be built along its proposed east-west alignment.²⁷ However, taking into account that the head teacher herself is evidently happy with the proposal, including the building's alignment, I do not judge these comments to be weighty points of objection.
93. During the inquiry, after the illustrations in Document APP 36 had been handed in, I took the unusual step of stating some provisional views about the design of the proposed building, looking in particular at Document APP 36A; and I invited the advocates for the applicant and the DoE to respond by giving their own professional views.²⁸ Both of them considered that the design had good points and both had some criticisms. One pointed to the merit of the "civic presence" effect of the building and the fact that it would be safe, secure and welcoming, but considered that the design "back through the site" (ie in the central and western parts) was more confused and that elements could be improved.
94. The other advocate considered that some of the finishing materials were questionable and that anodised aluminium "struggles to be relevant". The front elevation design was also criticised in that the most prominent feature - the projecting northern part - would not be where the school's front entrance would be positioned, so the element announcing legibility would be off-axis.
95. In summary, I think it is fair to record that when invited to give their professional opinions as experienced chartered planners, both advocates were less than 100% enthusiastic about the design of the proposed development. For an important major project like this, to my mind that is an adverse point.
96. I also agree with the criticism in the DoE's evidence about the prominence and finishing materials of the proposed sports hall. The main sports hall itself would be at first floor level with changing rooms and dance studios on the ground floor, and although there appear to be some design advantages of this arrangement, it would contribute to the building having a height of about 14 metres. In combination with its bulky shape and mass (its north-south extent being about 38 metres), plus the utilitarian appearance of its finishing material, the effect would be to create a visually intrusive urban feature in a sensitive location where the area has an essentially rural character.

²⁶ In Mr Freeman's evidence this body is referred to as the Jersey Architectural Commission, but as far as I can tell from other evidence, its correct name is the Jersey Architecture Commission, so that is the name I use.

²⁷ The louvres with their sun-diffusing function on the east elevation would not be on the elevation which would gain most sunshine.

²⁸ Both advocates are chartered town planners and so (as in all planning inquiries) had an obligation to provide their own professional judgment, which might not be the same as their employer's view, although they did not have to express any judgment - I explained that it was open to them to decline to answer if they wished.

97. A number of criticisms of the design have been made by the JAC. When last consulted, the Commission indicated that "the elevational treatment remains unclear". They did not feel able to comment on the proposed roof shapes. They considered that the integration of the sports hall into the form of the building "looks challenging". There seems to have been some "agreement to disagree" at a meeting with the JAC in May 2016, which was apparently the last time the JAC's views were obtained.
98. Having seen some other schools in Jersey, I realise that their designs have some elements of what is proposed in this application, such as mixed finishing materials at Le Rocquier and a mixture of building shapes at both Le Rocquier and Hautlieu. But at least at Hautlieu, for example, there is a general harmony of finishing materials in the walls and roofs, more so than would be apparent with the application scheme. Planting around the proposed school building would soften and partly screen its visual impact, but would not overcome the objections I have described.
99. I find on design matters that the proposed development would conflict with Island Plan policies GD1 and GD7 because it would not "complement the style and traditions of local buildings" and would not "enhance the character and appearance of the Island".²⁹ I suggest that when reaching your own conclusion about the acceptability of the proposed design, you should look in particular at the elevation drawings, the Design Statement, the proof of evidence by Mr Freeman, and the photographic illustrations in Document APP 36A and the other extracts from the 3D model. My conclusion is that the design of the proposed building would be unsatisfactory for the reasons explained above.

Traffic, Parking and Related Site Layout Issues

100. As I have outlined in setting out the background to the application, these aspects of the proposal have had a somewhat chequered history involving changes to the proposal after the application was made, differences between the applicant and the planning authority, a late realisation by a government department that there was an objection, and negotiations which continued after the start of the inquiry. The result is an application, as amended in November 2016 from the original June and July application, seeking detailed planning permission with site layout and parking included as part of the details in the amended application, but with further amendments to the site plan and parking layout - yet to be defined on a plan - having been proposed later with the suggestion that these should be achieved by means of conditions on a permission.
101. I shall now comment on three main topics: (i) flaws in the transport impact assessment; (ii) vehicular access arrangements; (iii) parking arrangements and site layout.
- Transport Impact Assessment
102. On the first topic, the estimates of trip generation, trip distribution (the way trips are distributed on to the road system), and then the assessment of traffic flows and junction capacity all used established methods. The junction capacity assessments used standard mathematical models developed by the UK Transport and Road Research Laboratory. The results produced by these models depend to a large extent on what is input, and there appear to have been some errors or

²⁹ Policy GD1 provides that: "Development proposals will not be permitted unless...the proposed development...maintains and enhances the character and appearance of the Island". Policy GD7 provides that: "Where the design of proposed development does not adequately address and appropriately respond to the following criteria, it will not be permitted:...3. the degree to which design details, colours, materials and finishes reflect or complement the style and traditions of local buildings".

questionable assumptions. Two examples are: the "no pedestrian crossings" input for junction arms where pedestrians would in reality cross the carriageway; and the PCU figure used in calculating some junction data.³⁰ In answer to my questions, the applicant's witness agreed that there were errors but was not in a position to explain the reasons. He considered that they would not have made any significant difference to the overall result of the traffic impact assessment.

103. I am uneasy about such admitted errors. However, given the predicted spare junction capacities, the fairly limited junction delay figures, and the fact that other aspects of the analysis were on a "worst case" basis, I am inclined to accept that the overall results would probably not have been materially affected. So as far as the impact of the proposed development on nearby roads and junctions is concerned, I find that the development would be unlikely to cause serious congestion or have any related seriously adverse effects.

Vehicular Access Arrangements

104. As regards site access arrangements, the layout of the entry route for vehicles into the site appears adequate but would be less than ideal, particularly where there is insufficient road space to provide a normal-width right-turn lane on La Route des Quennevais. The exit from the site on to La Route des Quennevais would be positioned only 20 metres from the Rue Carree/Route des Quennevais junction. This is the minimum acceptable distance; but because no main road traffic would be turning into the site at this point, the closeness of the junctions should not cause the kind of safety hazards which can occur when there are two closely spaced side roads off a main road and accidents can be caused by drivers pulling out into a main road after mistakenly interpreting turning indicators on approaching vehicles.
105. The November 2016 amendment introducing the northern exit or "left-turn slip road" on to La Rue Carrée appears to have come about largely because of a suggestion by St Brelade Parish. The written consultation response by Mr Pallett on behalf of the Parish says that the Parish Roads Committee are "highly supportive of the proposed new slip road exit" and this support was repeated in Mr Pallett's evidence at the inquiry. However, I have considerable reservations about this scheme, for the following four reasons.
106. First, the specialist consultants who advised the applicant clearly believe that the northern exit road would be unnecessary and would have disbenefits. The Technical Note by the consultants (Document APP 25) states that the additional exit would have a negligible impact on traffic flow on La Rue Carrée/Route des Quennevais (that is to say, no reduced congestion or saving in delay time through the junction),³¹ but would create safety issues for pedestrians within the school site, because they would have to cross an internal road. I agree with this assessment. Although a speed hump and pedestrian markings could be installed, it is easy to see how a child, deciding suddenly to hasten towards a bus waiting in one of the northern bus bays, could run into the path of a car as it turned into the slip road, perhaps at the same time as its driver was distracted after having just picked up a pupil from the school.

³⁰ Traffic flow is typically measured either by the number of vehicles or by the number of "passenger car units" (PCUs). If a traffic stream is composed entirely of, say, 100 vehicles which are all normal sized passenger cars, the PCU equivalent figure would be 100; but if a proportion of the flow comprised larger vehicles such as buses or lorries, the PCU equivalent would be higher than 100.

³¹ This is further shown by the fact that when the consultants were asked to investigate the possibility of a design with all traffic from the school site leaving via an exit junction on to La Rue Carree, they calculated that all the traffic would turn right from the exit, because it was determined from the catchment area analysis that there is "no catchment area to the west". (This quotation is from the second page of the Note by Parsons Brinckerhoff dated 4/10/16 in Document INQ 11.)

107. Second, the insertion of the proposed junction on La Rue Carrée would detract from the rural character of the immediate area along this lane and would spread the urbanising effect of the proposed development. It is not just the presence of the exit roadway itself which has to be considered, but also the additional effect of double gates, a possible kerbed island, and a visibility splay where vegetation would have to be kept cut back or set back at an angle from the road. (I make this observation even allowing for the eastward visibility splay only being required to extend to the nearside edge of the road carriageway, which apparently would meet standard requirements, rather than to the nearside edge of the proposed cycle track.)
108. Third, the admitted error in the evidence about the number of bus bays (eight shown on the application plans, not 12 as claimed in evidence before I questioned it) also seems to have arisen as a result of the amended application. It is not clear why, if 12 bus bays were initially thought to be appropriate, eight would be equally satisfactory.
109. Fourth, it seems to me that design, safety and practical issues about the possible use of this exit junction have not been fully appreciated. There is no road traffic law in Jersey controlling the way drivers drive from a private access into a single carriageway two-way public highway.³² Therefore drivers who had, for example, picked up or dropped off a child in front of the school and wanted to avoid a queue at the exit on to La Route des Quennevais could - as far as road traffic law is concerned - use the northern exit and turn right from it on to La Rue Carrée. Drivers' route choices could be part of a travel plan and supervision by school staff might be possible, but there must be doubt whether such control would be effective in practice. As was mentioned during the inquiry, the right turn on to Rue Carrée could be prevented by designing the junction with an island shaped to make the right turn difficult, possibly with a "Trief" kerb³³ as a physical barrier; but such a layout would further detract from the area's rural quality.
110. Mr Pallett's evidence about people using a "countryside" route towards the west coast from the existing school was apparently based on personal experience; but he was not able to offer any factual evidence about the number of people involved and he did not seek to challenge the figures provided by the applicant's transport consultant. Local knowledge can often be useful, but what may happen at the existing school site is not necessarily indicative of what would happen at the proposed site; and anecdotal evidence normally has less weight than evidence resulting from the sort of detailed analysis of trip origins and destinations carried out for the applicant - especially when the latter is undisputed by those with local knowledge. I can see why it might be thought a good idea to give people a choice of routes, but I can also see disadvantages in unnecessarily encouraging traffic to use country lanes.
111. If the traffic impact forecasts showing that negligible traffic to and from the school would use La Rue Carrée are correct, the northern exit would be an unnecessary distraction for drivers on La Rue Carree and an unnecessary intrusion into the area's rural quality as explained above. If the traffic impact forecasts are wrong and much more traffic than expected were to use this proposed exit, the conflict between vehicles and pedestrians and potential for accidents within the site would be increased.

³² This was confirmed in response to one of my questions during the inquiry.

³³ This is a type of raised kerb designed to prevent vehicles being driven over it.

112. In summary, I judge that the case for the amended layout with an exit for vehicles on to Rue Carrée is weak. The benefits of it would be limited, and would be offset by safety and environmental disbenefits.
113. The proposal to widen some of La Rue Carrée appears to have arisen as a kind of "bonus" offering by the applicant. There is some anecdotal evidence of congestion caused by the fact that this lane narrows in places along its length past the application site, but there are numerous roads in Jersey which must carry much greater volumes of traffic and be more constricted. There is no clear factual evidence to indicate the existence of any really significant traffic delay or congestion problems or of an unusually high accident rate. Nor is there any reason to believe that the proposed development itself would generate such change in traffic along this lane as to justify its widening, irrespective of whether the proposed northern exit were to be constructed.
114. In short, there do not appear to be any major objections to this road being widened, and widening it might well create public interest benefits. The school development could provide an opportunity to make land available for a road improvement. But road widening would not be made necessary by the school development (as indeed is illustrated by its description in evidence as a "bonus").
115. Some legal issues relating to possible conditions arise here. One of the tests of validity for planning conditions is that they have to be *necessary*. Therefore a condition *requiring* Rue Carrée to be widened could not be validly imposed. A negatively-framed condition, preventing the school being opened until the road widening has been carried out,³⁴ could also not normally be validly imposed because the widening would not be needed to cope with traffic generated by the proposed development. However, since in this instance the widening has now been offered as part of the amended development, I consider that if planning permission were to be granted for the development as now proposed, the details and timing of implementation could be covered by a condition worded so as to prevent the school being opened until details of the widening scheme have been approved and implemented. It would not be sensible for a gated junction with visibility splays to be formed on the basis that road widening might or might not be carried out later.

Parking and Site Layout

116. I now turn to the matter of parking arrangements and related site layout points. From my study of the submitted documents while preparing for the inquiry, one of the issues which concerned me was what seemed to be the assumption that parents picking up children by car would park at sites nearby, either on the north side of Rue Carrée or off Rue Cimetière south of the site. These are not public car parks. The one in the north, for example, is part of a sports ground with a gated entrance. There are practical and legal reasons why its availability for car parking by parents waiting to pick up children from the proposed school cannot be assumed or guaranteed.³⁵ Much the same applies to the parking areas off Rue

³⁴ This type of negatively-framed condition is commonly labelled by planning practitioners as a "Grampian" condition, so called after a well-known court judgment relating to a development in Scotland (*Grampian Regional Council v City of Aberdeen* [1984] JPL 590).

³⁵ A practical reason is that the operator could decide to close the gates and prohibit general public access, perhaps to prevent additional wear and tear. One of the legal reasons concerns planning permission. For the purposes of planning law, the authorised use of this land is almost certainly use as a sports ground (the parking area being ancillary, not a use in its own right). According to evidence in answer to one of my questions, sports-related parking only occurs at limited times, typically on a weekend afternoon. So if this area were to become used regularly by the general public, even for only around half an hour on weekdays, this could be around 50% of the actual usage and would probably cause a material change of use to mixed use as a sports ground and as a public car park. I verified at the inquiry that no application for planning permission for such development has been made. The outcome of any possible application is unknown.

Cimetière. In the event it seems that similar concerns were behind the objection raised by the Transport Policy section of the DFI which caused the discussions which I was told about after the inquiry had started.

117. The result of those discussions was apparently a joint understanding between the DoE and DFI that the layout of the proposed car park within the site could be amended so as to widen the aisles between the parking bays, thereby providing space for temporary "double-parking" by drivers waiting to pick up children. I understand that this is what happens at Le Rocquier school, where I saw that the car park aisle widths were fairly generous.
118. This idea could probably be workable, and it would be in line with the general aim of not providing so much parking as to encourage car usage, whilst providing enough to meet safety requirements and minimise parking on nearby streets. However, as I indicated at the inquiry, I consider that the changes to the proposed site layout which would be necessary would be more than the sort of "minor adjustments" mentioned by the parties when these ideas were aired. I say this with the following points in mind.³⁶
- The car park aisle widths could be widened by reducing the areas which are shown coloured green in the layout plan as "soft landscape" (that is to say planted with shrubs or trees or grassed). However, the applicant's landscape adviser left the inquiry after giving her evidence, and the amended layout ideas were only discussed later in the proceedings; so I suspect that she may not even be aware of them, and certainly did not have an opportunity to consider and advise on their possible effect on the landscaping elements of the proposed development.³⁷
 - Even with wider aisles, I think it would be necessary to alter the layout to allow cars to turn on to the spine roadway from intermediate points in the car park, not just from the north end and one point in the southern part of the parking area - otherwise the extent of reversing within the car park, with cars double-parked in cul-de-sac aisles (as shown in the application plans) and children moving around, would cause congestion and safety hazards. It may be possible to design intermediate exit points so as to prevent them being used as entry points, but careful consideration would need to be given to this aspect.
 - If parents waiting to pick up children were parked in widened aisles in the southern part of the car park, children would be likely to go from the front of the school to the car by a route involving passing between stationary (or possibly moving) buses. This would cause obvious safety hazards.
 - The same would apply, though with a different route, if parents waiting to pick up children were parked in widened aisles in the northern part of the car park.
 - Alternatively, children would cross the road just north of the raised grassed area immediately in front of the school and go across part of the front lawn area to reach the northern part of the car park. The result would be a classic case of usage defeating design - with parts of an area which was intended to be soft-surfaced with grass becoming worn footpaths.

³⁶ It would probably be helpful to have the drawings showing the proposed site plan or proposed parking layout (Documents APP 2D and APP 2L) to hand when reading these paragraphs.

³⁷ Thus it seems that the revised Landscape Strategy plan (Document APP 38) which was amended and submitted during the inquiry after I had mentioned that the original plan appeared to have been superseded, itself became superseded a day or so later before the inquiry closed.

- In view of the above points, if the ideas floated at the inquiry for modifying parking arrangements were to be implemented, it might well be necessary to amend the position and/or size of the raised grassed area in front of the school entrance, to provide a marked pedestrian crossing in a position yet to be worked out (where none is proposed on the application plans), and to introduce some hard surfaced areas or pathways on parts of the proposed front lawn, as well as re-designing the layout of the parking area.
 - It is not clear how library customers would be affected or catered for under the proposed amended arrangements. They could be inconvenienced by the proposed double-parking, although presumably this would normally only be temporary.
119. Taking the above points into account, I find that there are doubts and uncertainties about the late proposal to amend the on-site parking arrangements. There seems to be general acceptance that the details shown in the relevant application plans would not be satisfactory, but no properly considered alternative had been drawn up for consideration at the inquiry, despite the fact that the application sought detailed permission for all matters including the site layout and parking arrangements; and the changes required may well amount to more than the sort of minor adjustments floated as ideas at the inquiry.

Written Representations and Other Matters

120. Many of the points raised in the written representations which I mention in paragraphs 43-46 are similar to those raised by the main parties, so it is not necessary for me to comment in detail on them. I can understand why Ms Jauncey wants to see green spaces in Jersey preserved for future generations but as I have explained, sometimes there may be justification for development in the Green Zone and a balance has to be struck. I have no remit to investigate whether the proposed development would breach the covenant referred to by Mr Picot affecting Field 87, since covenants are private legal agreements which do not fall under planning legislation.
121. The concerns expressed by the Bosdet Foundation Trust about traffic generation and off-site parking mostly relate to matters on which I have already commented. La Rue Carrée leads to Les Ormes Leisure Centre, and I note that the Trust supports the widening of this lane but also wants its rural character to be preserved.
122. Although some of Ms McKinnon's contentions (for example about the cost of anodised aluminium) may have limited relevance, I agree with many of the criticisms she as an architect makes of the design of the proposed building, particularly its form or shape and finishing materials. Her comment that "the elevation is very mixed and does not read as a considered family of design moves and materials" is perhaps another way of stating what I have tried to express in simpler language.³⁸

³⁸ Ms McKinnon's representation contains an internet link reference to illustrations of a new school which recently won a Stirling design award (Burntwood School in Wandsworth). Alternatively if you wish to see them, illustrations can be fairly easily found by Googling. In the interests of balance and accuracy I add here that the school in Essex referred to by Mr Freeman was evidently nominated for a Stirling award. I am not suggesting that the design of a school in Wandsworth should be in any way a model for Jersey, any more than a school in Essex, merely that it is possible for a large building to have a harmonious, prize-winning attractiveness without being a patchwork of finishing materials and shapes.

123. One of the matters mentioned during the inquiry was the future of the existing school site, if the new school were to be built. I understand that a review of the Island Plan may be started during 2017 and the school site may be an item in that process. In my view it would not be appropriate to seek to impose any controls on the future of the existing school site by means of a condition or undertaking linked with the proposed new school.

Overall Conclusions

124. Drawing together the various threads discussed above, I reach the following conclusions. There is a need for a new school. There are good reasons why trying to meet the need by means other than building a new school, such as adjusting catchment areas, would not be practical. Possible alternative sites have been suitably investigated, including redevelopment on the existing site. The application site is in the Green Zone and there are planning policy objections to the proposed development there; but a key policy of the Island Plan as amended in 2014 allows for the possibility of a new secondary school being sited in the Green Zone, and there are good reasons for making an exception to the normal presumption against building in the Green Zone.
125. So far, those considerations would point towards the grant of planning permission. However, I have found that the design of the proposal would be unsatisfactory and I have explained why I have considerable reservations about two aspects of the proposed site layout, relating to the northern exit and to the on-site parking arrangements. I recognise that to some extent, design can be a matter of taste, and you will no doubt have your own view; but I have applied locally adopted policy and have tried to be as objective as possible, as no doubt were the members of the Jersey Architecture Commission in formulating their criticisms. I am obliged by the requirements of a chartered institute to give you my honest professional judgment, and I cannot recommend that planning permission be granted for this proposal as currently designed.
126. I conclude that planning permission should be refused, the grounds of refusal being:
- (i) The design of the proposed building would not be satisfactory. In particular the building shapes, finishing materials and colours would be unsatisfactorily discordant, would not reflect or complement the style and traditions of local buildings and would conflict with Policies GD1 and GD7 of the Island Plan.
 - (ii) The proposed provision for the movement of vehicles and pedestrians within the site and for on-site parking would be inadequate and likely to create safety hazards. In addition the proposed northern exit would undesirably and unnecessarily increase the impact of the proposed development on the area's rural character.

Possible Alternative Actions

127. I hope that it may help if I suggest that there are several alternative ways of proceeding from here. It is of course open to you to grant planning permission and with that in mind, possible conditions which could be imposed are suggested below. If, alternatively, permission were to be refused, this may be on both grounds set out above, or you may find that the access and parking aspects of the proposal are acceptable but not the design of the building, or you may find that the design is acceptable but not the access and parking arrangements. If any of those circumstances were to apply, it seems likely that an amended or fresh application could be submitted. In that event I do not think another public inquiry would be necessary, assuming that you agree with the findings I have

made on the acceptability of the development having regard to planning policies relating to the site's location in the Green Zone.

128. I have referred above to complications arising from the amendments to the application and from the fact that although it is a detailed application, not all details have been finalised. As will be apparent in the next section of this report, these complications also affect possible conditions. The situation is messy, with unresolved points which might be more difficult to resolve than may appear at first sight. I am mindful of the evident need for the proposed new school, and there is of course a general desire to avoid unnecessary further delay to a project which has already suffered delay. Nevertheless a refusal of planning permission to enable a fresh application to be made could provide more scope for improvement and be procedurally more satisfactory than the alternative.

Conditions

129. Document INQ 10 is a schedule of the draft conditions agreed between the applicant and DoE during an adjournment on the last day of the inquiry.³⁹ Earlier in the inquiry, I made some general comments about the wording of conditions, and this document was prepared in the light of those comments. I then held a discussion session based on Document INQ 10, and the following comments take into account points raised either by me or the two main parties during the discussion. The reasons for the conditions are set out in the right-hand column of Document INQ 10.
130. The conditions in Document INQ 10 are not numbered, so for reference purposes I use the following numbers (which I added to my copy of the schedule for the purposes of the inquiry):
- First page - numbers 1-3.
 - Second page - numbers 4-8.
 - Third page - numbers 9-13 (the condition labelled "Landscaping Scheme" continues on to the fourth page).
 - Fourth page - numbers 14-16 (the condition labelled "Species Protection Plan" continues on to the fifth page).
131. On the first page, it was generally agreed that Condition 2 should have an additional sub-paragraph lettered "E" stating: "Access arrangements during construction."
132. On the second page, the word "may" in the penultimate line of Condition 8 should read "any".
133. On the third page, there could be advantages in splitting Condition 9 into two conditions, but I think the necessary points could be satisfactorily covered in one condition as follows:
- "Notwithstanding the details shown on the submitted plans, no development shall take place until details of proposed road widening, layout of the proposed exit junction, visibility splays, footpath and cycle path provision, and boundary treatment along La Rue Carrée have been submitted to and approved in writing by the Department of the Environment. The school shall

³⁹ Document INQ 10 supersedes Document INQ 9, which is the schedule of conditions submitted before the inquiry.

not be opened for use until the works covered by Condition 9 have been constructed in accordance with the approved details."⁴⁰

134. Condition 10 should read:

"No development shall be carried out until details at no less than 1:500 scale have been submitted to and approved in writing by the Department of the Environment showing visibility splays at the junction[s] between the site access[es] and adjacent roads. The visibility splays shall then be retained with no visual obstruction of any kind over the height of 600mm."

135. Condition 11 should read:

"Before the school is opened for use, a Traffic Management Plan shall be submitted to the Department for the Environment for approval. Once approved, the provisions in the Traffic Management Plan shall be implemented, including the provisions in the plan for continued future implementation and monitoring."

136. At this point it is necessary to consider the wider issue of the ideas put forward during the later part of the inquiry about amended car parking arrangements. The draft condition covering "traffic management" in Document INQ 10 contains the phrase "to include revised drawing of the car parking layout as necessary". In my judgment this inclusion would not be adequate, and "as necessary" is vague - partly because of the lack of precise information even by late in the inquiry as already mentioned. If, however, you decide that it would be satisfactory to grant permission subject to a condition aimed at achieving another amended site layout (that is to say, amended following the November 2016 amendment), this would need to be a separate condition, I suggest worded along the following lines:

"Notwithstanding the details of site layout, parking provision and landscaping shown in the application plans, no development shall be carried out until revised details of these aspects have been submitted to and approved by the Department of the Environment. The development shall not be carried out other than in accordance with the approved revised details."

137. Condition 12 [re-numbered as Condition 13 if the additional condition above is added] should read:

The school shall not be opened for use until a minimum of 150 cycle parking spaces have been provided in accordance with a scheme which shall first have been approved in writing by the Department of the Environment. The approved cycle parking scheme shall be retained.

138. There is general agreement that Conditions 13 (landscaping scheme) and 14 (landscaping management plan) would be appropriate and I have no comments on these conditions.

139. On the fourth page, Condition 15 covering materials [re-numbered as Condition 16 if the additional condition above is added] should have an "implementation clause" added, thus:

"The development shall not be constructed otherwise than using the approved materials."

⁴⁰ The wording of this condition is on the assumption that you would be granting permission for the proposal including the proposed exit on to Rue Carrée and the widening of Rue Carrée.

140. The Species Protection Plan referred to in the condition which starts at the bottom of the fourth page would be required to meet Policies NE1, NE2 and NE4 of the Island Plan. However, on the fifth page, the requirement for advance agreement in the last sentence (which is inappropriate and unnecessary) should be replaced by:

"The provisions of the Species Protection Plan as approved shall be implemented in full unless otherwise agreed in writing by the Department of the Environment."

Recommendation

141. I recommend that planning permission be refused.

G F Self

Inspector

15 February 2017

Appearances at the Inquiry

For the Applicant

Mr Richard Glover BA DipTP DipUD
MRTPI

Head of Major Projects (Planning), DFI.

He gave evidence and called:

Deputy Rod Bryans BA

Education Minister.

Mrs Sarah Hague

Head Teacher, Les Quennevais School.

Mr Barry Freeman ARB RIBA

Principal Architect, Jersey Property Holdings.

Mrs Alison Galbraith MA CMLI

Associate Director, Terra Firma Consultancy.

Mr George Walker BEng CEng
MICE MCIHT

Technical Director, WSP Parsons Brinckerhoff.

(Mr Richard Cheal of Jersey Property Holdings also gave evidence in response to questions.)

For the Department of the Environment

Mr John Nicholson BA BPI MRTPI

Principal Planning Officer, DoE.

He acted as advocate and gave evidence.

(Mr David St George of the Transport Policy Section, DFI, also gave evidence in response to questions.)

For St Brelade Parish

Connétable Steve Pallett

Connétable of the Parish, also Sports Minister.

List of Documents

APP 1	Application form.
APP 1A	Covering letter with amended application (30 November 2016).
APP 2A	Location Plan.
APP 2B	Existing Site Plan.
APP 2C	Site Photographs.
APP 2D	Amended Proposed Site Plan.
APP 2E	Proposed Ground Floor Plan.
APP 2F	Proposed First Floor Plan.
APP 2G	Proposed Sections and Sectional Elevations.
APP 2H	Entrance Elevations.
APP 2I	Proposed Elevations.
APP 2J	Image References of External Materials Rev A.
APP 2K	Image References of External Areas Rev A.
APP 2L	Parking Layout Rev A.
APP 2M	Energy Centre Floor Plans, Sections and Elevations.
APP 2N	Outline Drainage Scheme.
APP 2O	Landscape Strategy.
APP 3	Owner's Declarations.
APP 4	Environmental Impact Statement Non-Technical Summary.
APP 5	Environmental Impact Statement.
APP 6	EIS - Appendix I - Scoping Comments
APP 7	EIS - Appendix II - Playing Pitch Equivalence Study.
APP 8	EIS - Appendix III - Draft Transport Impact Assessment.
APP 9	EIS - Appendix IV - Draft Traffic Impact Assessment (Option 1).
APP 10	EIS - Appendix V - Landscape & Visual Impact Assessment.
APP 11	EIS - Appendix VI - Ecological Assessment (Option 2) November 2014.
APP 12	EIS - Appendix VII - Ecological Assessment (Option 1) November 2015.
APP 13	EIS - Appendix VIII - Archaeological Desk Based Assessment 2014.
APP 14	EIS - Appendix IX - Public Consultation Documents.
APP 15	EIS - Appendix X - Public Consultation Comments.
APP 16	EIS - Appendix XI - Ecological Assessment 6/16.
APP 17	EIS - Appendix XII - Transport Assessment.
APP 18	EIS - Appendix XIII - Travel Plan.
APP 19	EIS - Appendix XIV - Archaeological Assessment Revision 2.
APP 20	EIS - Appendix XV - Phase 1 Ground Conditions Desk Study Report.
APP 21	EIS - Appendix XVI - Phase 2 Site Investigation Report.
APP 22	EIS - Appendix XVII - Initial BREEAM Assessment.

APP 23	Access Statement.
APP 24	Design Statement.
APP 25	Left Turn Exit Technical Note.
APP 26	Statement of Case of the Minister for Infrastructure (the Applicant).
APP 27	Proof of evidence/submission by Education Minister.
APP 28	Proof of Evidence by Sarah Hague.
APP 29	Proof of Evidence by Barry Freeman.
APP 30	Proof of Evidence by Richard Glover (Alternative Sites).
APP 31	Proof of Evidence by Mrs Galbraith.
APP 32	Proof of Evidence by Richard Glover (Planning Policies).
APP 33	Proof of Evidence by George Walker.
APP 34	Rebuttal Statement by Richard Glover.
APP 35	Revised proof of evidence by Mr Bryans.
APP 36	Photographic illustrations from 3D Model.
APP 37	Photographs of Cornelius Vermuyden School, Canvey Island, Essex.
APP 38	Landscape Strategy plan (revised, labelled "Revision to Layout 25/1/17")
DOE 1	Statement of Case: Department of the Environment.
DOE 2	Proof of Evidence by Mr John Nicholson.
DOE 3	Appendices to DoE Evidence.
DoE 4	DoE Opening Statement.
INQ 1	Written Representation by Mrs A Jauncey.
INQ 2	Written Representation by Ms McKinnon.
INQ 3	Written Representation by Mr T A Picot (Solution Seekers).
INQ 4	Written Representation by Mr M Graham (Bosdet Foundation Trust).
INQ 5	Consultation Responses.
INQ 6	Email from Richard Glover re: Comments from NET (Ecology Survey).
INQ 7	Email from John Pinel re: Comments from NET (Ecology Survey).
INQ 8	Email from John Nicholson to Programme Officer 20/1/17 re transport matters.
INQ 9	Draft conditions.
INQ 10	Revised draft conditions.
APP 11	Bundle of copies of emails and other papers on traffic/highways matters.
INQ 12	Note by Mr Surcouf (Land Controls) about the use of agricultural land.