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## PLÉMONT PUBLIC INQUIRY ORAL STATEMENT

### **Introduction**

For those who were not here yesterday my name is John Mesch, I am a founding member of the Council for the Protection of Jersey's Heritage which was established in 2005 with the object of representing and promoting the protection of all Jersey's heritage. We monitor activities in Jersey that would adversely affect our heritage assets including historic, rural and coastal landscapes such as those at Plémont.

The Council has been consistent in opposing previous and the present planning application to permit the building of a large-scale housing estate on the coastal headland at Plémont, for reasons laid out in our initial submission, so I won't repeat them now.

### **Heritage**

Heritage is defined at its broadest as anything that is or may be inherited. In the Council's Initial submission we used the following quotation taken from one of Dr. John Renouf's many academic papers- and I quote:

*There is every justification for the recognition that there is no comparable stretch of coastal cliff in the Channel Islands, in Brittany, in Normandy, or in Southwest England that can claim such a range of geological, archaeological, historical, natural historical and other features as this zone of cliff and heath*

Very late in the day the Applicants have claimed to challenge this description and that the landscape at Plémont is in any way historic. (It was pointed out by the Inspector that this challenge had been withdrawn by the Applicants, but John Mesch stated that as far as he was aware the Applicants still claimed that the area was not historic landscape) When I have finished my statement I shall be inviting Dr. John Renouf, our Council member responsible for Landscape and Archaeology as an expert witness to substantiate this claim.

Yesterday, Mr. John Henwood, one of the supporters of the present application, complained the Council was wrong in claiming that approval of this application would result in an environmental disaster. We stand by this considered opinion. The proposed development of 28 houses with gardens and parking areas, with most of the houses built on undeveloped land, in the Green Zone, rather than leading to a restoration of the coastal

landscape character it will inevitably lead to its permanent destruction. We believe that to allow this to happen would, in addition to being an environmental disaster, reflect badly on Jersey's intellectual and cultural standards.

### **A legal and Moral Responsibility of the States of Jersey to Protect Heritage**

Internationally it is now recognised that governments have both a legal and moral responsibility to protect heritage in order pass it on to future generations as near as possible in its original condition. Since 2001 Jersey has been a signatory of the Valletta Convention for the protection of archaeological heritage the presence of which is dealt with in the MOLAS report, submitted with the planning application.

The Council of Europe has recognised the need for "Integrated Conservation of Cultural Landscape Areas as part of Landscape Policies". It is generally recognised within Europe that governments have a clear responsibility to protect cultural landscapes and natural heritage as part of their regional planning.

It seems obvious to us that if you protect a landscape you protect the ecology and natural flora and fauna within it. But you can't do that by building over it.

The Council has been disappointed that the consultation reports received from Jersey's Environment Department say nothing about the damaging effect the proposed new development will have on this beautiful and historic landscape or the natural environment that exists at Plémont. Apart from the obvious adverse effects of building 28 new houses, plans to plant many trees in an essentially treeless landscape and non-native species such as pampas grass has been passed without comment. (The Council was corrected here, pampas grass had been identified as a non-native, invasive species) Indeed, the natural environment report is written as though the application will be approved and conditions should be put in place, for example, to control the capture and translocation of protected species. It seems reasonable for the Council to ask why the department has failed to address the major and central issue which is the long-term effects on the natural landscape and environment caused by this proposed, newly located and large scale residential housing development?

A complaint yesterday by someone that those opposing the application were only concerned with clearing site in order to return it to nature. Whatever our hopes in that respect, our objection to this application is because it is in major conflict with the present Law and Policy laid out in the Island Plan 2011. We expressed the opinion that in view of major breaches of the law required to approve the application, and the clear effect this would have on the interests of the people of Jersey, the Minister had no alternative but to hold this Public Inquiry.

Turning now to **Planning and Building (Jersey) Law 2002**, I believe that speakers following Dr. Renouf will be addressing Article 2 and the very purposes of our planning law as it affects this application. I will therefore restrict my comments by going to the heart of this application which is Island Policy NE 7 for the protection of the Green Zone.

## Jersey Island Plan 2011

This policy states:

*The areas designated as Green Zone on the Proposals Map will be given a high level of protection and there will be a general presumption against all forms of **new** development for whatever purpose.*

It must have been a Freudian slip that the planning case officer omitted the word **NEW** when he quoted from this policy in his Statement of Case. (*Para 6.1*), **NEW** is the operative word in this policy statement. That the general presumption against building any new houses in the Green Zone has been disregarded is surprising enough. But to disregard building 28 new houses is truly remarkable.

Indeed, in citing Sub Sub Paragraph c. ii of Policy NE 7, an extremely weak and effectively the only real justification for his recommendation of approval, and then only after the case officer had ignored the proviso that:

*Development will be permitted only when the scale, location and design would not detract from, or unreasonably harm, the character of the area.*

At the outset we are in no doubt that this development will both detract from and unreasonably harm the character of the area.

The Council is convinced that this 'For the avoidance of doubt' amplification of how Policy NE 7 is to be applied under yet another stated presumption in this policy, this time against the use of commercial buildings for purposes other than for those which permission was originally granted, it is completely unreasonable that this could override the main presumption against any **new** development in the Green Zone. For this limited exemption to Policy NE 7 to apply, the applicant must show that the development would be proven to be in the Island's interest, and that it cannot practically be located elsewhere. The only other offered justification for improving 'the Island's general amenities' as a required purpose of the Law under Article 2, is that 28 new houses would contribute to the estimated number of houses arising from so-called 'windfall' developments.

It is self-evident that 28 expensive houses cannot be seen as being necessary in meeting an essential community requirement. Neither is it the case that such houses can only be built at Plémont

We find it impossible to see how the creation of a new, large-scale residential development more typical of a modern suburban area will provide demonstrable environmental gains, or that it will repair and restore the landscape character through a reduction in visual impact. The Inspector's clear explanation of the misleading impression given by the panoramic photographs provided to demonstrate the visual impact of the new development was welcome. But it is the Council's belief that it is the visual impact of the South-Eastern and North Western clusters when viewed from passing

and access roads to Plémont Bay will be greater than the present buildings because they are closer.

The Council would also claim that it is a false notion that Jersey has ever had a tradition of building hamlets. Scattered farm houses and other buildings is the tradition. We see the three cluster concept which includes terraces of houses as nothing more than a modern contrivance. It has no local relevance whatsoever. There will not be any reduction in the intensity of use, the Transport Policy Section of the Department of Transport and Technical Services is unequivocal in its objection to this development in their consultation report. Above all, rather than bringing about a restoration of the landscape character, this proposed development will bring about its permanent destruction. Mr Andre Ferrari, our member responsible for Urban Conservation and Rescue has made the point that once freehold ownership has been given, it will be no time at all before conservatory extensions and garden sheds will complete a transition into another area indistinguishable from other pieces of modern suburbia with more cats and dogs. (Again the Inspector pointed out that proposed conditions to be placed on the application, if it was approved, would prevent conservatories, garden sheds and the like from being erected – the Council had not seen this document.)

It is self-evident that to build 28 new houses in the Green Zone as applied for would be a major contravention of Policy NE 7.

I was planning to address the ‘brownfield’, ‘greenfield’ contention. However, following the Inspector’s question and answer session with the applicant yesterday we are satisfied it was agreed that 15 of the new houses would be built on ‘Greenfield’ land as defined in the glossary at Annex B of the Island Plan. Our new submission here is that under Island Plan Policy NE 7, permission to build the identified houses should be refused forthwith.

We have noted that many of those who have written in favour of the proposed 28 house development, have done so simply on the basis that anything must be better than the eyesore created by the present derelict buildings. In 2009 the Applicants identified, as their first option, the restoration of the present buildings. The Council therefore invited the Inspector to consider instructing the Planning Committee to issue an order in accordance with Article 84 of Planning and Building (Jersey) Law 2002 to require the repair or removal of these ruinous or dilapidated buildings within a reasonable time-frame. The Inspector, in asking questions of the Applicant and the Planning Department on this subject yesterday the Council is satisfied that this possibility will be given due consideration.

Finally, the discussion yesterday on the boundary drawn between Green Zone ( interior agricultural land) and the Coastal National Park emphasised to me the illogicality in attempting to distinguish in this way between parts of an amazing, continuous landscape extending from L’Etacq to Plémont and down to the sea. In logic it is sensible to ask, why is it not all designated a Site of Special Interest?

In conclusion I hope I have convinced the Inquiry that the present planning application cannot be approved. It calls for a major contravention of the very purposes of Planning and Building (Jersey) Law 2002 and of Policy NE 7 of the Jersey Island Plan 2011 for the protection of the Green Zone. Approval of the application will lead to the permanent destruction of an important part of Jersey's priceless, cultural heritage. This is neither in the interests of the present residents of the Island, nor those of future generations who should be able to appreciate that which should also be their heritage.

Inspector, that completes my oral statement. May I pass you over to Dr. Renouf or would you like me to answer questions first?

Dr. Renouf is an acknowledged local expert not only in his area as a professional geologist with a deep knowledge of the geology of Jersey and the adjacent French coasts but has also conducted archaeological investigations, both in the Channel Islands and in nearby France with Professor, now Sir Barry Cunliffe CBE, Emeritus Professor of European Archaeology at Oxford University. Dr. Renouf will inform the Inquiry exactly why the Council believes the unique, scenic, and historic landscape character at Plémont is so important in forming an essential part of our cultural heritage, and why it should be preserved for the appreciation and enjoyment of future generations. Dr. Renouf