

Senator F. E. Cohen,
Minister for Planning and the Environment,
States Offices,
South Hill,
St Helier.

The 24th April 2008.

Dear Senator Cohen,

Redevelopment of the former Plémont Holiday Village site.

We, the undersigned representatives of the heritage and environmental protection organisations listed at the foot of this open letter, believe that you will be holding a public meeting next Friday afternoon the 2nd May to consider an application for the building of 36 units of residential accommodation upon the site of the former Plémont Holiday Village.

We understand that the exercise of your ministerial discretion requires you to consult widely and thereafter to make difficult and controversial decisions, often with far reaching implications.

Consequently we want you to be fully aware of the strength and cogency of the opposition to any application seeking to increase the number of units of permanent residential accommodation on this site, of which there are currently two.

Indeed, we hope to see this site returned to its natural state. Its development in the 1950s was a gross error in planning terms, excusable only in the light of the economic imperatives of the time. It is very much to be hoped that our generation will assume responsibility for correcting that error.

However, we accept that this ambition is, for now, a secondary consideration that should not be permitted to interfere with your assessment of the planning issues arising from any application to develop the site. So far as those planning issues are concerned our views are as follows.

1/ This application will be among the most important you have had to consider since the new Planning Law came into effect in July 2006. The Law declares that its purpose is "...to conserve, protect and improve the Island's natural beauty..." In order to do this it rightly introduced fundamental changes to the way the planning of our island is managed. This was acknowledged in the Royal Court case of McCarthy and Minister for Planning and the Environment, decided on the 12th March 2007, where the court described the coming into force of the new Law as marking a watershed.

2/ As a result your decision is to be taken above all in the light of the principles and policies set out in the Island Plan. The statutory presumption in favour of the Plan brought with it the unwritten corollary (as the Bailiff put it) that applications not consistent with the Plan will not normally be granted permission. In particular the Plan takes precedence over the aspirations and expectations of the landowner without

regard to how they came about. To be specific, the time and effort he has invested in drawing up his 36-unit scheme must in no way tie your hands. Your duty is to implement the Island Plan, not to protect a developer from the vicissitudes of speculative property development, even if he argues that your own officers' "without prejudice" reaction to his preliminary plans encouraged him to pursue them.

3/ The Plan you must implement is an imperfect document. Often policies are stated, but then so qualified as to leave the reader unsure where he stands. Happily there are two remedies to this problem, as follows;

Firstly, tentative or highly nuanced policies leave you with discretion. The Royal Court ruled in the McCarthy case that it would not allow an appeal against the exercise of that discretion unless an appellant can show that your decision was not just mistaken (in the sense that the court, were it in your shoes, would have decided things differently) but so mistaken as to be unreasonable. A firm decision supported by clear and relevant reasons should therefore be safe from challenge.

Our community may want you to take decisions there is no need to spend public money defending in Court, but it is even more important that you take decisions faithful to the changed priorities introduced by the new Planning Law.

Secondly the policies in the Island Plan may sometimes seem flexible to the point of elusiveness, but the application in hand (effectively to build a housing estate on the Plémont site) breaches them so fundamentally as to make a refusal of consent the only appropriate response.

For example:

Policy G1 - Sustainable development

This policy requires a development of this scale to be integrated into an existing built up area, so as to enjoy all the transport links and other infrastructure that will be needed. It is evident that marooning a community of any size in so remote a location is completely unsustainable. It is hard to see how any of the routine requirements of the residents could be met without resort to the motorcar. Countless extra vehicle movements per annum will be inevitable.

Policy C5 - The Green Zone.

There is a strong presumption against any large-scale development in this zone so as to retain its quality and distinctiveness and to ensure its character remains intact.

An exception exists to allow the redevelopment of existing buildings where a substantial environmental benefit is secured, such as by a significant reduction in the scale and mass of an existing intrusion.

Any significant residential re-development of the site will completely undermine the character of the area owing to the visual degradation that accompanies suburban development, arising from road widening for visibility splays, fences, parked vehicles, washing lines, domestic gardens etc. There will therefore be no environmental benefit, substantial or otherwise.

It is also provided that an applicant seeking to take advantage of an exception to the protection of the green zone must demonstrate why the proposed development could not be accommodated within the built up area or the countryside zone. It is self evident that 36 housing units could be built elsewhere. Any application going beyond the replacement of the 2 existing units must therefore fail.

Policy C4 - Zone of Outstanding Character.

The same considerations also apply to the zone of outstanding character lying immediately adjacent to the Holiday Village site and whose appeal is therefore inexorably linked to its fate.

Policies C2 and C 10 - Countryside Character and Walls and Hedgerows.

The former policy specifically requires you to promote the restoration of the island's countryside. The latter states that development proposals seeking to remove such features will not normally be permitted. The dry stone wall running along side the access road known as La Rue de Plémont has been dismissed as of low value. In fact is it part of a field pattern that has remained intact since the Richmond map of 1795.

These are but the most evident breaches of the Plan arising from this application. There are others and no doubt your officers can assist you by drawing up a comprehensive list of the other relevant policies, covering everything from light pollution to the threat to the wildlife on the adjacent cliffs from the residents' domestic animals were this development to proceed.

Conclusion.

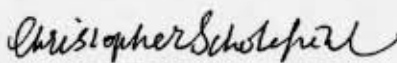
It is now acknowledged that in our crowded island there are a number of stakeholders in the planning process. The wider public interest has belatedly come to enjoy much greater weight.

This was recognised by the States' approval in 2006 to the Proposition of the Connétable of St Ouen calling for the site to be retained as an open space. More specifically the Planning Law has now changed so as to make your pre-eminent concern the implementation of the Plan whose policies exist to protect that public interest.

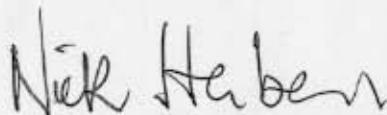
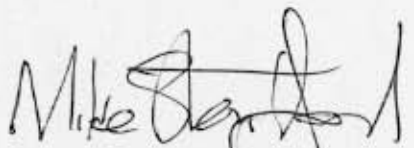
There is no groundswell of public opinion calling for housing to be built at Plémont. On the contrary, there is intense public concern that our planning system should be able to demonstrate that, when the need arises, it can and will correct the errors of the past.

We urge you to seize your chance to show that the system can rise to such challenges, and meet them.

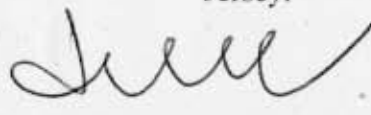
Yours sincerely,



For SAVE Jersey's Heritage. For La Société Jersiaise. For the National Trust for Jersey.



For the Council for the Protection
of Jersey's Heritage



For the Jersey Heritage Trust.

cc The Editor, The Jersey Evening Post.
The News Editor Channel Television
The News Editor BBC Radio Jersey.
The News Editor Channel 103.