

Planning Committee

(11th Meeting)

7th November 2024**Part A (Non-Exempt)**

All members were present, with the exception of Connétables D.W. Mezbourian of St. Lawrence, M.O'D. Troy of St. Clement and R.A.K. Honeycombe of St. Ouen, and Deputy T.A. Coles of St. Helier South, from whom apologies had been received.

Connétable P.B. Le Sueur of Trinity (Chair)
 Deputy A.F. Curtis of St. Clement (Vice Chair)
 Deputy S.M. Ahier of St. Helier North
 Deputy A. Howell of St. John, St. Lawrence and Trinity
 Connétable K.C. Lewis of St. Saviour
 Connétable M. Labey of Grouville

In attendance –

C. Jones, Planning Applications Manager
 W. Johnston, Senior Planner
 J. Gibbins, Trainee Planner
 S. De Gouveia, Planner
 L. Davies, Planner
 T. Venter, Planner
 A. Elliott, Trainee Planner
 B. James, Planner
 G. Vasselin, Planner
 S. Sellors, Trainee Planner
 L. Plumley, Senior Secretariat Officer, Specialist Secretariat, States Greffe (items A1 – 5 only)
 E. Patterson, Assistant Secretariat Officer, Specialist Secretariat, States Greffe (items A1 – 5 only)
 H. Roche, Senior Secretariat Officer, Specialist Secretariat, States Greffe (Items A6 – A11)
 C. Tucker, Assistant Secretariat Officer, Specialist Secretariat, States Greffe (Items A6 – A11)

Note: The Minutes of this meeting comprise Part A only.

- Minutes. A1. The Minutes of the meeting held on 17th October 2024, were taken as read and were confirmed.
- Tribute:
 Mr. R. Godel. A2. The Committee was saddened to learn of the untimely passing of renowned local architect [REDACTED] and extended condolences to his family, friends and colleagues.
- Connétable P.B. Le Sueur of Trinity, Chair, paid tribute to [REDACTED], noting that he had regularly appeared before the Committee in the course of his work and would be sadly missed.
- La Hougue A3. The Committee, with reference to its Minute No. A6 of 17th October 2024,

View, La
Route du Petit
Port, St.
Brelade:
proposed
internal and
external
alterations.
(PART
RETRO-
SPECTIVE).

P/2024/0296

considered a report in connexion with a request for the reconsideration of an application which proposed a number of internal and external alterations to the property known as La Hougue View, La Route du Petit Port, St. Brelade. Revisions to a previously approved application (P/2021/0200) were also proposed. The Committee had visited the site on 15th October 2024.

The Committee recalled that it had been minded to refuse permission, contrary to the Department's recommendation. Consequently, the application had been re-presented for formal decision confirmation and to set out the specific reason for refusal.

The Committee confirmed refusal of the application for the reason set out in the Department report.

Field No.
1140, La Rue
des Bonnes
Femmes, St.
Ouen:
proposed
greenhouses,
fencing and
hardstanding
(RETRO-
SPECTIVE)
(RFR).

P/2024/0650

A4. The Committee, with reference to its Minute No. A8 of 17th October 2024, considered a report in connexion with a request for the reconsideration of a retrospective application which had been refused by the Department under delegated powers and which sought permission for the construction of 2 x greenhouses, fencing and hardstanding on Field No. 1140, La Rue des Bonnes Femmes, St. Ouen. The Committee had visited the site on 15th October 2024.

The Committee recalled that it had been minded to grant permission, contrary to the Department's recommendation. Consequently, the application had been re-presented for formal decision confirmation and to set out the specific reasons for approval and the conditions which were to be attached to the permit.

The Committee confirmed approval of the application for the reasons set out in the Department report and on the basis of the conditions detailed therein.

Elizabeth
Harbour,
La Route du
Port Elizabeth,
St. Helier:
proposed
redevelopment.

P/2023/0062

A5. The Committee considered a report in connexion with an application which sought permission for the redevelopment by Ports of Jersey (PoJ) of Elizabeth Harbour, La Route du Port Elizabeth, St. Helier. The Committee had visited the site on 5th November 2024.

A site plan and drawings were displayed. The Committee noted that the application site was situated in the Built-Up Area and the Port of St. Helier Operational Area. It was on the Eastern Cycle Route Corridor and within Sustainable Transport Zone 2, a medium risk coastal flooding zone and a low risk inland flooding zone. The application site was also adjacent to the Protected Coastal Area (PCA).

A site plan, drawings and 3-Dimensional model were displayed. Policies SP1, SP2, SP3, SP4, SP5, SP6, SP7, PL1, PL5, GD1, GD2, GD3, GD5, GD6, GD9, GD10, NE1, NE2, NE3, HE1, HE5, EI1, ME1, ME2, ME3, CI5, TT1, TT2, TT3, TT4, TT5, WER1, WER2, WER4, WER6, WER7, UI1, UI3 of the 2022 Bridging Island Plan were relevant. Attention was also drawn to relevant supplementary Planning Guidance (SPG) relating to St. Helier Design Guidance 2023, Landscape and Seascape Character Guidance 2023, Southwest St. Helier Planning Framework 2019, Planning Obligation Agreements 2017, Percentage for Art 2008 (amended 2012), St. Helier Public Realm and Movement Strategy 2021, and Parking Standards, March 2020.

The Committee noted the relevant planning history of the site, including an application for the demolition of the Albert Passenger Terminal and installation of hardstanding, which had been approved in 2021 (P/2020/1703 refers).

The Committee was advised that the application site included Elizabeth Harbour, Albert Pier, New North Quay, and the established Food and Environmental

Protection Act (FEPA) 1985 offshore disposal site. Elizabeth Harbour had been created through land reclamation and included a passenger terminal building, roll-on roll-off passenger and freight operations, related buildings and outdoor areas, harbour related structures, 2 freight distribution centres, vehicle and cargo storage space, and car, motorcycle, bicycle and trailer parking. The New North Quay accommodated the Island's lift-on lift-off operations, via the use of a crane. The FEPA offshore disposal site was located approximately 6 kilometres to the southwest of Elizabeth Harbour and had historically been used to dispose of marine derived material, such as organic matter and spoil from maintenance dredging within the Harbour.

To the east of Albert Pier (Grade 2 Listed) lay the English and French Harbour (Grade One Listed), the eastern face of New North Quay (Grade 2 Listed), the Harbour Crane (Grade 2 Listed), and the New North Quay warehouses (Grade 2 Listed), with Fort Regent and South Hill Battery (Grade One Listed) beyond. Victoria Pier (Grade 2 Listed) lay to the south, with Elizabeth Castle and Elizabeth Castle Hermitage (Grade One Listed) to the south west. The site was also in close proximity to a Ramsar Site.

The Committee noted that the proposals formed part of the St. Helier Harbour Master Plan and entailed consolidating and combining freight handling by co-locating roll-on roll-off and lift-on lift-off facilities, together with a new passenger terminal building. The existing combined freight capacity for the roll-on roll-off operation at Elizabeth Harbour and the lift-on lift-off operation at New North Quay was approximately 409,000 tonnes per year and the proposed scheme would increase the combined roll-on roll-off and lift-on lift-off capacity to approximately 544,000 tonnes per year, future proofing operations (the estimated capacity prediction for 2042 being 540,000 tonnes per year).

The Committee was advised that permission was sought for the following land-based components –

- the demolition and reconstruction of –
 - the passenger terminal building;
 - the inbound Customs inspection facility (with the new facility to include office space and welfare facilities); and
 - the vehicle security search building;
- the construction of a new distribution centre on a new reclaimed area of land to the south of the existing landside area;
- a new vehicular access off La Rue de L'Etau and the reconfiguration of the parking layout, accesses and vehicular flow routes;
- the demolition of the wall between the existing restricted area and Elizabeth Marina and the promontory southwest of Elizabeth Marina;
- improvements to passenger areas and the public realm;
- a roll-on roll-off and lift-on lift-off Freight Restricted Zone (to which there would be no public access); and,
- a Freight Distribution Zone (to which there would also be no public access).

The marine-based components of the proposals included the following –

- the development of a new lift-on lift-off berth and the construction of an associated suspended deck;
- an additional operational area through a new reclaimed area to the south of the existing landside area;
- the demolition of the eastern roll-on roll-off pier (with the berth to be incorporated into the new suspended deck); and

- the disposal of up to 80,000 cubic metres of dredged material (worst case scenario) at the existing FEPA offshore disposal site.

The Committee noted that the proposed passenger terminal building would measure approximately 3,684 square metres rising to a maximum height of 8.327 metres, to include safety handrails and a roof top plant enclosure. A canopy structure had also been included (measuring up to 6.5 metres high) at the entrance and exit towards the restricted area (measuring approximately 635 square metres in total) and an external plant room (measuring approximately 742 square metres), together with roof-mounted photovoltaic panels and a biodiverse roof. The proposed replacement inbound Customs inspection facility would also contain offices and facilities for other Port users and would measure approximately 802 square metres at ground floor, including an enclosed vehicle search area, with 449 square metres of floor space at first floor. The structure would be 9.652 metres high, including safety handrails. The proposed vehicle security search building would measure approximately 76 square metres with a maximum height of 5.675 metres high, including safety handrails. The new distribution centre was to be located on a new reclaimed area south of the existing landside area and would include a canopy to create a covered external area. It would be approximately 2,520 square metres at ground floor and approximately 250 square metres at first floor, with a maximum height of 13.00 metres high. The canopy would measure approximately 1,900 square metres with a maximum height of 8.45 metres.

New passenger access arrangements were proposed, including a revised non-motorised user access and highway modifications to Rue de L'Étau, La Route du Port Elizabeth and Albert Pier. In order to segregate passengers from commercial activities, 2 separate accesses to the port were proposed. A proposed parallel crossing on La Route du Port Elizabeth, south of Rue de L'Étau, formed part of the revised, segregated, non-motorised user arrangements and was intended to provide a crossing to facilitate north-south and east-west movements between St Helier, Elizabeth Harbour, St Helier Marina and Elizabeth Marina along existing desire lines. Once across La Route du Port Elizabeth, the shared access would run east-west to cross the internal access road before turning south to run alongside the Elizabeth Marina to the new passenger terminal. A new freight access would be located at the southern end of La Route du Port Elizabeth. A freight operator, vehicle repair, and refuelling area would be located to the northwest of the new trailer parking spaces.

287 vehicle parking spaces (for cars, coaches, taxis and motorcycles) were proposed; resulting in a reduction of 76 spaces, which would be mitigated by a package of measures to improve sustainable modes of transport. The scheme included 6 active Electric Vehicle charging spaces, with a further 21 car parking spaces and 7 coach parking spaces being equipped with ducting so that EV charging points could be added in the future. Bicycle parking was also proposed.

All operational equipment (crane, forklifts, etc.) currently on New North Quay would be relocated to Elizabeth Harbour. The crane would be installed on the suspended deck and containers would be stacked up to 3 containers high to support the lift-on lift-off berth operation. No changes would be made to the roll-on roll-off berth at the western end of the application site boundary. The depth of the berth pocket would enable sufficient under keel clearance for the vessels identified by PoJ in the design process to be kept at berth over the entire tidal cycle.

Dredging would be performed using a medium-sized backhoe dredger to excavate the seabed material, which would be loaded on split-hopper barges and transported off-site. It was envisaged that 2 x 1,000 cubic metre capacity barges would be needed to transport the material from the site. The barges would be used to transport material

intended for disposal to the FEPA offshore disposal site. On an ebb tide, the barges would release the sediment through split bottom doors, a process which would take approximately 5 minutes. Coarser sediment would settle closer to the release point, while finer sediment would sink at a slower rate. Plume modelling had been undertaken in respect of the likely rate of dispersal and potential impacts on nearby seagrass beds and mitigation measures were proposed. The barges would also be used for transporting material intended for recycling to the treatment facility at La Collette. A tug would be required to tow the barges to and from the site.

The construction of the proposed suspended deck quay would require piles to be socketed into the rock beneath the seabed, and this process would involve percussive marine pile driving, which would be subject to tidal activity. Once the piles were installed, the construction of the reinforced concrete dock would commence, based on the assembly of prefabricated reinforced concrete components, made off-site and transported to the site for installation.

The proposals included enhanced green infrastructure through planting of vegetation and biodiverse roofs, changes to the public realm, including the provision of a marine-side 'pocket park' on the western boundary of the site and a linear park alongside Elizabeth Marina.

It would take approximately 36 months to complete both the marine and landside elements of the scheme. Flexibility was sought for 24-hour dredging operations, due to tidal constraints, which would require between 30 to 44 days to complete, depending on tidal activity.

A Planning Obligation Agreement (POA) would be entered into to secure financial contributions towards the Eastern Cycle Route Network (£215,414), offsite wayfinding initiatives (£50,000), and a Landscape Management Plan.

The Committee was advised that proposals for development within the Port Operational Area were supported by Policy TT5 of the 2022 Bridging Island Plan and the Southwest St. Helier Framework SPG (2019), which recognised the need for increased capacity at the Elizabeth Terminal and Harbour. An Environmental Impact Assessment and supporting documents had been provided and relevant matters therein could be addressed via conditions. The proposed layout and design of the scheme were considered acceptable and improvements to the public realm, connectivity and movement would result. The proposals accorded with the policies of the 2022 Bridging Island Plan and the benefits would outweigh any harm to the setting of Listed Buildings and Places. On balance, the scheme was considered to represent a positive improvement to the Elizabeth Terminal site and was recommended for approval, subject to the imposition of certain conditions detailed within the Department report and on the basis of the entering into of a suitable POA.

In the event that a suitable POA could not be agreed within 6 months of the date of approval, the application would be returned to the Committee for further consideration.

12 representations had been received in connexion with the application.

In the first instance, the Committee received representations in relation to the marine-based components of the scheme and welcomed [REDACTED], Environment Manager, Land Resources Management Team; [REDACTED], Regulation Standards Manager, Housing and Nuisance Team; [REDACTED], Marine Science and Research Manager; and [REDACTED] Senior Engineer, Solid Waste, all of the Infrastructure and Environment Department, in this connexion.

The potential impacts of the proposals on marine life were outlined by [REDACTED] and sedimentation of the water column caused by dredging was highlighted as a key risk. The surrounding area included prime water quality indicator species, such as seagrass, a protected species which required sunlight to survive and provided a vital habitat for fish, in addition to sequestering carbon. Turbidity monitors would be installed and it was confirmed that dredging work would be required to cease if levels became elevated for sustained periods. Regular visual inspections would also be undertaken. The Committee was advised that it would be preferable, from a marine environment perspective, for dredging operations to be undertaken in winter.

In response to a question from the Committee regarding the risks of contaminated materials within the Harbour, it was confirmed that whilst harbours were typically polluted environments due to the activities undertaken, sampling results had been satisfactory. [REDACTED] confirmed that various conditions relating to contamination and remediation were proposed to address the risks and that a watching brief would be required. It was noted that the risks included asbestos containing materials (from previous landfill work), PFAS and PFOS, among others. The FEPA process would separately condition marine-based disposal activities.

In response to questions from the Committee regarding the impacts of marine pile driving, the potential for significant noise disturbance was acknowledged. The Committee was advised that this activity would be subject to tidal working hours (5.00 a.m. to 10.00 p.m., Monday to Saturday), whilst working hours for the percussive marine pile driving for the proposed suspended deck would be restricted to Monday to Friday between 8.00 a.m. and 6.00 p.m. and on Saturdays from 8.00 a.m. to 1.00 p.m. The potential impact on the health and wellbeing of neighbouring residents was recognised but further restrictions on the working hours would prolong the duration of the works. Pile driving was often necessary for large infrastructure projects such as this and any potential nuisance would be relatively short lived. Mr. Cragg referenced the “best practicable means” defence, a widely used defence against statutory nuisance actions, as set out within the Statutory Nuisances (Jersey) Law 1999, noting that the piling and dredging operations would be constrained in practice by tidal activity. The Committee was assured that any complaints or issues would be managed in line with standard procedures, which included the power to issue abatement notices, if necessary.

The Committee was advised that full hydrographic surveys would be undertaken, including of the FEPA offshore disposal site, before, during and after the proposed works. Fishers had been consulted and mitigation measures were proposed to ensure the safety of their equipment and stocks.

The Committee heard from [REDACTED] and [REDACTED] of RLS Architects, on behalf of Ferryspeed (CI) Limited, a specialised commercial freight distribution operator. [REDACTED] highlighted the current uncertainty around the joint tender process with Guernsey in respect of the Island’s future ferry operator and suggested that determination of the application should be delayed. Although his clients were not opposed to the principle of development, certain matters remained to be resolved between the parties. [REDACTED] noted the key role played by logistics in the Island’s supply chain and outlined concerns regarding the port and marine side elements of the scheme. In particular, there had been a failure to consult all port users and fully consider Policies GD2, SP7 and TT5. With reference to a navigation simulation report produced by specialist consultants HR Wallingford, [REDACTED] noted that tugs would routinely be used and that there was a risk of contact with the proposed new berth. The proposals did not therefore represent an improvement in terms of the existing lift-on lift-off operations at the New North Quay, which were safe, resilient and able to operate in high winds and in difficult conditions. He urged the Committee to defer consideration of the application until the ferry operator

tender process had been completed, to enable an informed decision.

In response to a question from the Committee, ██████████ confirmed that the New North Quay could currently accommodate vessels up to 90 metres.

The Committee heard from ██████████, Chief Executive Officer, PoJ, who expressed appreciation for the support received from the Department and, in particular, the Case Officer with the progression of the application. The proposals would deliver strategic benefits including upgrading critical infrastructure, improving the passenger experience and overall safety of operations, the ability to accommodate advances in vessel technology and the creation of a vibrant Waterfront area. Co-location of the freight services would remove the need for heavy goods vehicle (HGV) trips between the New North Quay and Elizabeth Harbour, with associated environmental benefits. The proposals would create a stronger connection to St. Helier Town Centre, with improved transport routes and an enhanced relationship with Elizabeth Castle. Extensive public consultation had been undertaken to deliver a scheme which would improve the gateway to the Island and the proposals were supported by the Department and the Jersey Competition and Regulation Authority. There was a clear need for investment in Elizabeth Harbour and the scheme would deliver increased capacity, together with improvements to the efficiency and sustainability of operations.

██████████, Deputy Maritime Director, PoJ advised that operations at the New North Quay were constrained by weight and capacity restrictions and the proposals would future proof the Island's supply chain. Existing freight volumes exceeded capacity, resulting in inefficiencies, and the proposals would provide flexibility to respond to environmental and technical advances, including the decarbonisation of the industry. The proposed development accommodated structural growth in capacity and had been stress tested and peer reviewed. Modelling had been undertaken to inform the design and deliver improvements to logistical operations for both passenger and freight traffic. The proposed distribution centre reflected best practice and would provide increased resilience. Additionally, lift-on lift-off vessels would be able to use the roll-on roll-off berth if required. The potential electrification of future harbour infrastructure had been built into the plans following the signature of a Memorandum of Understanding with the Port of St. Malo in connexion with a green shipping corridor. From an environmental perspective, the co-location of the freight operations would result in 200 fewer HGV and 100 light goods vehicle movements daily. With regard to dredging, ██████████ noted that it was a routine and necessary activity in ports around the world and the proposals had been amended to reduce the quantum required. Danish Hydraulic Institute (DHI), a leading environmental consultancy on marine works, had been independently commissioned by the Government of Jersey to review the work that had been undertaken by the PoJ team in respect of dredging, sediment plume modelling and contamination, due to the technical and specialised nature of the proposed works. DHI supported the methodologies, analyses and proposed conditions and ██████████ was confident that the proposals represented the best outcome for the Island. Comprehensive work and engagement had been undertaken to understand and address the impacts on the environment and marine industries, and appropriate mitigation measures were proposed. In concluding, ██████████ noted that the proposals represented a clear and logical means of improving capacity in an environmentally responsible manner and urge the Committee to support the application.

In response to questions from the Committee, the following was confirmed –

- the use of tugs was standard procedure and robust operational readiness plans were in place;

- no changes were proposed to the existing roll-on roll-off berth and the new proposed berth met internationally recognised standards;
- the navigation simulation undertaken had included stress testing to determine failure scenarios and additional downtime was anticipated as a result of the new berth, with the operating conditions remaining aligned with those of the rest of the port;
- the proposed lift-on lift-off facility would accommodate vessels up to 105 metres;
- a suspended deck was proposed due to engineering and hydrodynamic considerations;
- consideration would be given to local procurement where possible, as part of the procurement process;
- Ferryspeed's concerns were understood by PoJ to relate to the allocation of space within the proposed development and further dialogue would ensue;
- a pathway had been agreed in respect of the management and mitigation of the impact of the proposed dredging activities on the marine environment, including vivier stock health in St. Helier Harbour and nourices located within the sediment plume dispersal zone;
- the New North Quay would become operationally redundant as a result of the proposals and no demolition or change of use (from light industrial use) was proposed as part of the application; and
- the depth of the proposed berth pocket had been designed to future proof the facilities and would allow lift-on lift-off vessels to remain berthed during low water periods.

The Committee heard representations in relation to the land-based components of the scheme and welcomed [REDACTED]; [REDACTED]; [REDACTED], Principal Transportation Planner; and [REDACTED], Landscape Officer, all of the Infrastructure and Environment Department, as well as [REDACTED], Senior Planner, Historic Environment Team (HET).

[REDACTED] advised that the proposals were not supported by the HET, due to the impact on the setting of a number of important and significant Listed Buildings and Places. In addition, the historic fabric, significance and setting of Albert Pier would be impacted by its truncation, pursuant to the proposed land reclamation works. Whilst the difficulties of providing modern harbour facilities in a historic harbour were acknowledged, [REDACTED] stated that the proposals failed to minimise the impact on heritage assets, contrary to Policy HE1, and indicated that further engagement was required to arrive at a satisfactory outcome.

With regard to the disposal of solid waste arising from the proposed works, [REDACTED] advised that there was sufficient capacity at La Collette Waste Management Site to accommodate the anticipated volumes of waste. Options for waste minimisation, re-use and alternative waste management were also being explored (e.g. storage of waste material at other PoJ sites, including the Airport, for future remediation).

[REDACTED] advised that whilst there might be some impact in terms of increased wind as a result of the proposed demolition of the wall between the existing restricted area and Elizabeth Marina and the promontory southwest of Elizabeth Marina, appropriate planting was proposed, along with landforms designed to afford shelter and shade. Consideration had been given to the conditions which would be required for trees to reach maturity, including engineered tree pits and a mixture of both young and mature trees.

In terms of access, car and bicycle parking, and highway matters, the Committee was advised that the proposals would deliver improvements. [REDACTED] confirmed that the proposed parking provision and mix was considered appropriate.

Existing bus connectivity was considered satisfactory, given operational constraints. There had been a suggestion that Le Petit Train could bring passengers to and from Town, but ██████████ noted that this was a privately operated enterprise. Improvements to wayfinding were proposed and the Department was supportive of a proposed bicycle crossing, which would be the first of its kind in Jersey. Traffic management measures and a financial contribution towards supporting alternative modes of travel were also proposed.

The Committee heard from ██████████, on behalf of Ferryspeed, this time in relation to the land-based components of the scheme. ██████████ confirmed that his clients did not object to the proposed development in principle. It was acknowledged that the facilities at New North Quay were outdated and that there would be significant benefit in co-locating the freight operations. ██████████ repeated his call for the Committee to delay consideration of the application and allow for matters of detail relating to logistics to be resolved and until such time as the ferry operator tender process was completed. The use of tugs as standard was challenged, with the view being expressed that these were used only in exceptional circumstances. The proposed scheme would require precise ship handling for vessels over 85 metres in length and tug assistance for all vessels over 105 metres in length, representing a significant change. Tugs would be required far more frequently, with associated operational impacts. ██████████ also outlined concerns relating to the size of the area allocated for warehousing and handling and the reduction in car parking provision, which would significantly impact Ferryspeed's operations. In concluding, he stated that further detail was required to enable a fully informed decision to be made and urged the Committee to defer consideration of the application.

██████████, Chief of Staff, PoJ, addressed the Committee, explaining that the port infrastructure was aging and no longer met expectations or market demands. The proposed development would provide improved resilience, capacity, safety and modern, contemporary facilities. The segregation of passengers from commercial activities was a key feature of the design and would improve the passenger experience, as well as delivering significant operational efficiencies. In response to HET's concerns, the height of the proposed distribution centre had been reduced to the minimum practical level and the roof form had been amended. The location of the proposed new passenger terminal would improve the relationship between the port and the surrounding area, with new landscaping and improvements to the public realm, creating a sense of place. The proposed new Customs inspection facility and vehicle security search building met modern requirements, and the proposals would lead to biodiversity gains. ██████████ urged the Committee to support the application and grant permission.

The Committee heard from the applicant's architect, ██████████, who outlined the need to deliver a successful critical infrastructure project whilst celebrating Elizabeth Harbour's sense of place. The proposals had been amended in response to concerns expressed by statutory consultees, including HET, and took account of feedback from the Jersey Architecture Commission. The mass of the proposed distribution centre was determined by operational requirements, which were vital for efficient freight management. The proposed new passenger terminal building would be curved in shape, following the contour of the site, and incorporated elements designed to celebrate Jersey's maritime history. The passenger experience would be greatly improved, and the building would be energy efficient. The scheme would provide new public spaces and improvements to the public realm, as well as biodiversity enhancements. The proposals had been shaped by community engagement from the outset and would provide significant public benefits.

██████████ addressed the Committee once more and noted that the proposals had been developed in consultation with key stakeholders, were supported by the Department and aligned with the 2022 Bridging Island Plan policies and Government strategic policy. The scheme would provide increased resilience and future proof the Island's lifeline infrastructure. He urged the Committee to support the proposals on this basis.

In response to further questions from the Committee, the following points were confirmed –

- a phasing plan would be required for the whole development, prior to the commencement of the works;
- PoJ had provided input into the ferry operator tender process and whilst berthing trials had recently been undertaken, these related to emergency/lifeline supplies only;
- around 25 per cent of the material arising from the proposed works would be re-used to form the new area of reclaimed land;
- the crane used for lift-on lift-off operations would be moved from the New North Quay to Elizabeth Harbour;
- 2 additional cranes on New North Quay were no longer in use (one being Listed and the other being part dismantled);
- a Percentage for Art (PFA) contribution was proposed, which would include temporary and permanent installations;
- security fencing delineating the restricted zones was required to meet recognised standards for port installations;
- the proposed new distribution centre could accommodate multiple operators;
- the proposed conditions were considered acceptable by the applicant; and
- the proposed new buildings had the capacity to accommodate roof mounted solar panels.

Having considered the application, the Committee, with the exception of Deputy A. Howell of St. John, St. Lawrence and Trinity, endorsed the Department recommendation to grant permission, subject to the conditions detailed in the Department report and on the basis of the entering into of a POA, as detailed above. In doing so, members specified that the PFA contribution should relate to permanent artwork only and requested that further details be provided regarding the proposed fencing, to ensure a high quality of design, in accordance with Policy GD6. Additionally, Deputy A.F. Curtis of St. Clement requested that an informative be added to the permit stating that, for the avoidance of doubt, the permitted use class for the New North Quay would remain unchanged as a result of the proposals.

Field No. 845,
La Rue Du
Crocquet, St.
Brelade:
proposed
tourist
accommodat-
ion/temporary
change of use
of field.

P/2024/0637

A6. The Committee considered a report in connexion with an application which proposed the temporary construction of tourist accommodation yurts with decking areas and ancillary storage, from 1st April to 30th September annually, on Field No. 845, La Rue Du Crocquet, St. Brelade. Permission was also sought for a temporary change of use of the land from Class D Agricultural to a combination of Class D Agricultural and Class F Tourism during the stated time period. An amendment to the plans to add 3 car parking spaces was noted and landscaping and widening of an existing site entrance was also proposed. The Committee had visited the site on 5th November 2024.

A site plan and drawings were displayed. The Committee noted that the application site was situated in the Green Zone and in Sustainable Transport Zone 6. Policies SP1, SP2, SP3, SP4, SP5, SP6, PL5, GD1, GD6, NE1, NE2, NE3, EV1, ERE1, ERE2, TT1, TT2, TT4, WER6 and WER7 of the 2022 Bridging Island Plan were relevant. Attention was also drawn to relevant Supplementary Planning Guidance (SPG) relating to Residential Space and Parking Standards 2023 and Density

Standards 2023.

Permission was sought for the change of use of the application site and the construction of 9 x yurts of varying sizes with associated facilities for a period of 6 months annually, to provide seasonal tourist accommodation. It was proposed that the access on to Le Mont de la Rocque would be retained with a reduction in height of the existing road side walls to increase visibility.

The Committee was informed that, whilst the application site was in a location where development was permitted only in certain circumstances, the proposal was considered to be acceptable under the relevant Policies of the 2022 Bridging Island Plan. The structures would be temporary to allow for ease of removal and would be largely screened from immediate and wider views, protecting the landscape character of the area. Agricultural use would be resumed during the remaining 'off-season' months of the year, following removal of the structures and all associated equipment. The scale and design of the development was considered to be acceptable, and the application site was located close to local amenities. Sustainable modes of transport would be encouraged, and the proposals included ecological benefits. Consequently, the application was recommended for approval on the basis that it aligned with Policies SP1 - SP6, WER6, WER7, PL5, NE3, ERE1 and EV1 of the 2022 Bridging Island Plan, subject to the conditions set out in the Departmental report.

72 representations had been received in connexion with the application.

The Committee heard from the applicant's agent, [REDACTED] of Origin Architecture Studio, who highlighted the benefits of green tourism, such as connecting people to the landscape and environment, and the health and wellbeing advantages of the proposals. It was recalled that the village of St. Aubin had been designated as a Tourist Centre in the 2022 Bridging Island Plan and [REDACTED] noted that the venture would support a synergy between the Island's agricultural and tourism sectors. The application had attracted 55 positive representations and would support the retail, rural and tourism economies. It had been acknowledged that the land was of little commercial agricultural value due to the sloping nature of the site and the limited access arrangements which presented challenges for modern farming machinery. Furthermore, soil improvements would be required in order to regenerate the land which did not lend itself to modern farming techniques and had limited functionality as traditional field.

[REDACTED] advised that 7 of the proposed yurts would be used for tourist accommodation with 2 larger yurts designated as a kitchen and communal area. The yurts would be locally constructed and stored in units already in the ownership of the applicants when not in use. The yurts were transient and designed only to be in situ during the summer months, with only one third of the site area being taken up by the yurts for half of the year and the remaining 2 thirds of the site being regenerated land utilised year-round as a permaculture source. [REDACTED] concluded that the ethos of the proposal was to respect and experience the landscape in alignment with the 2022 Bridging Island Plan, and he urged the Committee to grant permission for the application.

The Committee heard from the applicant, [REDACTED] of Jersey Organic Yurts (JOY), who briefly outlined the ethos of the scheme, which centred on working with the active principles of the natural environment. He would be responsible for the maintenance of the land and visitors would be encouraged to participate in gardening and other educational activities. During the 6 month period when the yurts would be removed from the site, the land would return to agricultural use, when organically grown winter crops would be produced.

The Committee heard from the applicant, ██████████ of JOY, who explained the wellness retreat aspects of the scheme. She highlighted the benefits arising from the amalgamation of tourism and agriculture uses, both of which were integral to Jersey life.

In response to questions from the Committee, ██████████ advised that the access track would not be hard surfaced as it was already compacted. Furthermore, ██████████ confirmed that drainage provision was not required as compostable toilets were proposed and the showers and basins would be connected to a storage tank which recycled water collected by the yurts.

Having considered the application, the Committee decided to grant permission, subject to the imposition of the conditions outlined in the Department report. In doing so, the Committee recommended that a safety fence be erected to prevent access to the steep drop to the south of the application site.

La Trigale, La
Route de
L'Eglise, St.
Lawrence:
proposed
construction of
cattery and
retaining wall.
(PART
RETRO-
SPECTIVE).

P/2024/0673

A7. The Committee considered a report in connexion with a part retrospective application which proposed the construction of an outbuilding comprising of 13 cattery boarding units and a concrete deck and retaining wall to the east of the property known as La Trigale, La Route de L'Eglise, St. Lawrence. The Committee had visited the site on 5th November 2024.

Deputy A. Howell of St. John, St. Lawrence and Trinity did not participate in the determination of this application.

A site plan and drawings were displayed. The Committee noted that the application site was situated in a Water Pollution Safeguard Area in the Green Zone, and in Sustainable Transport Zone 6. Policies SP2, SP3, SP5, SP6, PL5, GD1, GD6, NE1, NE3, ERE2, TT1, TT2 and WER6 of the 2022 Bridging Island Plan were relevant.

The Committee noted the relevant planning history of the site, which included permission granted in September 2022, under delegated powers, for the demolition of a garage and the construction of a 2 storey extension with various internal and external alterations. The replacement of an existing conservatory with a sunroom had also been approved and works were ongoing in this connexion (planning application No. P/2022/0383 referred).

The Committee was informed that retrospective permission was sought for the formation of a concrete deck and retaining wall to the east of the application site, to create a level area. The deck and wall had not formed part of the original approved plans (P/2022/0383) and required planning permission due to the height of the wall and the degree of excavation and lowering of the site.

Construction of a small scale, purpose built commercial cattery was also proposed in the same area of the application site. The structure would be supplied by a specialist firm and would provide 13 individual cattery pens. It would sit below the height of the retaining wall and would not be visible from the public road or from surrounding residences. Levels of vehicle movements associated with the new use would be minimal and the concerns of neighbours relating to potential noise and odours were noted. On the basis of further evidence provided, the Environmental Health Team had confirmed that it had no objection to the application.

The Department was satisfied that the proposals would be discreet and would not unreasonably harm neighbouring amenities. Consequently, the application was recommended for approval, subject to the conditions set out in the Departmental report.

22 representations had been received in connexion with the application.

The Committee heard from [REDACTED], a neighbour to the east of the application site, who stated that the applicants had consulted him with regard to the proposals. He advised that, whilst he had no objection to the approved building works, he was concerned about the commercial activity of the cattery and the associated noise, which he feared would impact on enjoyment of his property.

The Committee heard from [REDACTED], who advised of the removal of Leylandii trees which had previously acted as a screen. This meant that the proposed cattery would be visible from his property through a hedgerow which had been planted as a replacement for the Leylandii. He outlined his concerns with regard to noise and odours in connexion with the proposed cattery. [REDACTED] added that he had no objections to the approved building works but was concerned that the excavation works, concrete deck and retaining wall had not formed part of the approved plans.

The Committee heard from [REDACTED], Regulation Standards Manager (Housing and Nuisance), Environmental Health (EH) Department, who advised that EH had no major concerns with the proposals. He suggested the imposition of a condition regarding cleaning and maintenance of the cattery if the application was approved.

The Committee heard from the applicant, [REDACTED], who advised that the cattery was intended as a retirement project, with no significant profit arising from the venture. However, demand for catteries in the Island was high. [REDACTED] had consulted with cattery owners in the United Kingdom (UK), where strict regulatory standards were in place, and he advised that the proposed cattery would be maintained in excess of UK standards. Every effort had been made to overcome objections. [REDACTED] advised that the Leylandii trees had been replaced by a Hawthorn hedge and that only a small section of the cattery roof would be visible from [REDACTED] property. The cattery structure would be a modern design with the highest standards of cleanliness and comfort for cats, and no drainage was required as the building would be steam cleaned. Soundproofing would exceed UK minimum standards. [REDACTED] advised that the application was supported by existing cattery businesses in the Island and by the immediate neighbouring properties.

Having considered the application, the Committee, with the exception of Connétables K.C. Lewis of St. Saviour and M. Labey of Grouville, decided to refuse permission, on the grounds that the application did not align with Policies GD6 and NE2 of the 2022 Bridging Island Plan.

Having recognised that its decision was contrary to the Department's recommendation, the Committee noted that the application would be re-presented at the next scheduled meeting for formal decision making and to set out the reasons for refusal.

Field No. 494
La Rue des
Buttes,
St. Martin:
Proposed
commercial
equine
development.
(RFR).

A8. The Committee, with reference to its Minute No. A4 of 25th April 2024, considered a report in connexion with an application which sought permission for the demolition of existing equine facilities (an office, tack room, food store and stables) and their replacement with a commercial equine livery stable block to the east of Field No. 494, La Rue des Buttes, St. Martin. The subdivision of the application site to provide canine care facilities was also proposed. This included the construction of a canine day care centre with roof mounted photovoltaic solar panels to the north of the site, along with changes to an existing car parking area and associated landscaping enhancements. The Committee had visited the site on 5th

November 2024.

P/2024/0927

A site plan, drawings and 3-dimensional model were displayed. The Committee noted that the application site was an agricultural field measuring approximately 15 vergées situated in the Green Zone and Water Pollution Safeguard Area. Policies SP2, SP3, SP5, SP6, PL5, GD1, GD2, GD6, GD10, NE1, NE3, ERE1, ERE2, ERE5, ERE7, ME1, TT1, TT2, TT4, WER6, and WER7 of the 2022 Bridging Island Plan were relevant. Attention was also drawn to relevant Supplementary Planning Guidance relating to Landscape and Seascape Character Guidance (2023).

The Committee noted the relevant planning history of the site which included permission for equine use and facilities (planning application No. P/2016/0009 referred) with a condition requiring the removal of the equine facilities in the event that they were no longer required. A similar application had been refused by the Committee in April 2024 on the basis that it was contrary to Policies SP2, SP5, SP6, PL5, NE3, GD1, GD6, ERE1, ERE2, TT1 and WER7 of the 2022 Bridging Island Plan (planning application No. P/2024/0019 referred). The applicant had initially submitted an appeal against this decision but had ultimately chosen to withdraw this in order to focus on a re-submitted application (the current application). Following the withdrawal of the appeal, enforcement action had been initiated via a Notice dated 03/09/2024, requiring the cessation of dog-related activities on the site, and reversion to the authorised equine use. It was noted that the applicant was in the process of appealing the Enforcement Notice, with the appeal due to be considered by an Independent Planning Inspector during November 2024.

The Committee noted that the application site had been used as a canine day care centre without planning permission since August 2022, leading to complaints from neighbours to the Environmental Health Department (EH) about the level of noise generated by barking dogs. The current application had been amended following the refusal of planning application No. P/2024/0019 with some redesign of the main building, which included a reduction in its overall height and floor area. An L-shaped building positioned further into the north-east corner of the site was proposed with the car parking area remaining unchanged. The proposed stable block in the southern part of the site would increase in size under the new plans. Landscape and ecological enhancement of the site, including the planting of new trees and hedging to the site perimeter, was also proposed.

The applicant benefitted from a smallholder licence entitling occupation of up to 20 vergées of restricted agricultural land. It was noted that a similar facility, which included kennelling was in operation to the south-east of the application site (application No. P/2020/1520 referred). The Committee further noted that the Land Controls Section strongly objected to the application on the basis of the loss of agricultural land.

The Committee was advised that the proposed canine day care centre building would be a substantial new non-agricultural structure, in an isolated location away from other buildings. Together with the associated areas of hardstanding, this new development would result in the permanent loss of a significant amount of protected agricultural land. Considerable noise emissions would be generated as a result of the use, causing unreasonable harm to the amenities of residents. Consequently, the application was recommended for refusal on the basis that it was contrary to Policies SP2, SP5, SP6, PL5, NE3, GD1, GD6, ERE1 and ERE2 of the 2022 Bridging Island Plan.

There had been a significant amount of public interest in the application and all representations had been included within the Committee's agenda pack.

The Committee heard from Connétable K. Shenton-Stone of St. Martin, in her capacity as a representative of the Parish and a Trustee of the Le Court Clos Resident's Association. She emphasised that the proposals were contrary to the Policies of the Bridging Island Plan 2022, and were detrimental to the landscape character, resulting in a loss of high-grade agricultural land. Various fields within the Parish had recently been approved for housing, such as Field No. 489 for sheltered housing, and No. 410 for a First-Time Buyer /downsizing development. The Connétable noted that the Parish Hall had received nuisance complaints from neighbours in relation to the existing unauthorised use, and she was concerned that future residents would be impacted by noise emissions. Turning to the public consultation process, the Connétable expressed reservations with regard to the manner in which this had been conducted, leading her to believe that relationship difficulties between the applicants and neighbours might ensue. In concluding, she urged the Committee to protect Jersey's rural landscape character and residential amenities by ensuring that the site be returned to agricultural use.

The Committee heard from [REDACTED], Parish Secretary of St. Martin, who echoed the Connétable's comments in connexion with the public consultation process and noted that interested parties had not received sufficient advance notice of the meeting. [REDACTED] expressed concern that the applicants had been operating on the site for 2 years without planning permission. Consequently, he urged the Committee to refuse the application.

The Committee heard from [REDACTED], a neighbour of the site, who advised that she represented 11 neighbours, who had expressed concern with regard to the loss of high-grade agricultural land. She added that the proposal had altered the character of the once peaceful green area. [REDACTED] referred to a condition attached to planning application reference P/2016/0009, which required the land to be returned to agriculture if the equine business cease to operate. It was suggested that the £600,000 sale price for the land had precluded any offers from agriculturalists. It was noted that noise could be heard from the site daily from 8.00 a.m. until late evening, 7 days a week, and on bank holidays. The intermittent barking pierced the tranquillity of the remote area, and the acoustic fencing was ineffective, with noise impacting on neighbours' enjoyment of their homes and outside spaces. Whilst she acknowledged that the applicant had established a 'dog taxi' service, it was noted that clients were still driving to and from the site intensifying traffic, giving rise to sustainability issues. The location of the site was considered unsuitable for the use, and it was noted that the applicant had acquired premises in Halkett Place, St. Helier, with a planning application having been submitted for a dog grooming business. In concluding [REDACTED] outlined concerns with regard to the subletting of the site to a company known as Origin Dog Training.

The Committee heard from [REDACTED], a local farmer and President of the Royal Jersey Agricultural and Horticultural Society, who outlined the agricultural potential of the site. [REDACTED] stated that agricultural land was under threat in the Island and advised that he had been the last farmer to plough Field No. 494 in 2014. The quality of the soil across the 15 vergées of land was considered to be high and [REDACTED] asserted that the site should be returned to its original use as an agricultural field.

[REDACTED], Regulations Standards Manager, Infrastructure and Environment (IE) Department, addressed the Committee in connexion with a noise report which had been conducted on the site by the company known as 'Aura Sound and Air'. The intrinsic difficulties associated with measuring noise levels in situations like this were noted and whilst the results suggested that noise levels were minimal, these had been based on an hourly average and therefore incidents of barking, in their intermittent nature, were not accurately reflected. Mr. Cragg further acknowledged that IE had received noise complaints and concerns had been raised over the

likelihood of future occurrences of the same.

The Committee heard from [REDACTED], Director of Aura Sound and Air, who had been instructed by the applicant to conduct a noise assessment. As a noise consultant with over 15 years' experience [REDACTED] confirmed that she conducted the test based on scientific principles, criteria and regulations. The test had used 4 different types of criteria, as there were no set regulations for barking dogs and the results had been compared with noise associated with clay pigeon shooting. It was noted that 7 instances of barking were detected from the site, including barking from dogs in the area or those attending kennels close by. It was confirmed that for barking to be determined as a nuisance, the sound must exceed 65 decibels over a period of more than 2 hours and the test results confirmed that noise levels did not exceed the limit. With reference to objections to the test results, [REDACTED] confirmed that she had visited the site on 6 separate occasions for an hour at a time and on no occasion had the noise been incessant or continuous; nor did it contradict the results of previous tests. Therefore, she concluded that it would be unreasonable to refuse permission on the sole basis of noise nuisance.

The Committee heard from the applicant's agent, [REDACTED] of Duffell Planning, who advised that the amended application sought to address previous concerns. Whilst it was noted that the Department had initially requested separate applications with regard to the canine day care centre and the equine business, she argued that the 2 were inextricably linked so a single application had been submitted. With regard to objections in relation to the loss of prime agricultural land, [REDACTED] reminded the Committee that the site had previously been approved for equine use in spite of its agricultural viability. She detailed the economic benefits of the proposals and noted that canine-based ventures benefitted the local economy by *circa* £25 million. The size of the building had been significantly reduced and reversible structures (which could be deconstructed easily) were proposed. The significantly smaller building would not be visible from surrounding lanes and was in-keeping with the landscape. [REDACTED] addressed the noise concerns, reiterating that the applicant had, at significant expense, conducted noise surveys which had received no formal objection from EH. It was confirmed that the canine day centre would not exceed its current capacity of 35 dogs.

The Committee heard from the applicant's architect, [REDACTED] of Godel Architects, who outlined the design aspects of the application. Field No. 494 was noted as one of the few sites that could accommodate a proposal of this nature due to the existing drainage arrangements and electricity provision. The scheme sought to use existing buildings in a manner designed to reduce the visual impact. Car parking arrangements had been revised in order to retain the existing areas. The amendments resulted in a high standard development which accorded with national animal welfare codes. Acoustic elements such as fencing and sound dampening had been included within the proposals with future residential development in mind and to ensure that noise disturbance was kept to a minimum. [REDACTED] confirmed that the sensitive design approach complimented the natural landscape whilst also meeting operational needs.

The Committee heard from the applicant, [REDACTED], owner of The Barkley Club. [REDACTED] stated that it was regretful that the application had generated so many objections from neighbouring residents. She believed that many of these objections arose from a fear of change. It was confirmed that an appeal in connexion with the refusal of planning application reference P/2024/0019 had been retracted as the application under consideration sought to address the previous reasons for refusal. [REDACTED] advised that there had been a mixed response to the community consultation held at the Public Hall. [REDACTED] had invited neighbours to visit the site, with only one accepting. She advised that the canine daycare centre had thrived

and that an animal welfare license had been obtained. ██████████ stated that over £60,000 had been invested in the development and a number of Project Trident and Highlands College students had benefitted from training and placement opportunities.

Having considered the application, the Committee endorsed the recommendation to refuse permission for the reasons set out in the Department report. In doing so, particular concern was expressed with regard to the loss of high-grade agricultural land and a condition attached to the permit approved in 2016 (planning application No. P/2016/0009 referred) was highlighted. This stated that the site must be returned to agricultural use should the equine business cease to operate.

Verte Vue
Farm
La Rue du
Rondin
St Mary:
proposed
extension and
alteration of
agricultural
building.

A9. The Committee, with reference to its Minute No. A7 of 17th October 2024, considered a report in connexion with a request for the reconsideration of an application which had been refused by the Department under delegated powers and which sought permission for the alteration and extension of an existing agricultural building at La Verte Vue Farm, La Rue du Rondin, St. Mary. Alterations to the access road were also proposed, together with the creation of an ancillary car parking area and the installation of fencing around the site, with associated landscaping. The Committee had visited the site on 15th October 2024.

(RFR).

P/2023/1259

A site plan and drawings were displayed. The Committee noted that the application site was situated within the Protected Coastal Area, in a Water Pollution Safeguard Area and within Sustainable Transport Zone No. 6. Residential dwellings, including a number of Grade 4 Listed Buildings, lay to the south of the site. Policies SP1 - SP6, PL5, GD1, GD6, NE1, NE2, NE3, HE1, ERE1, ERE2, ERE5, TT1, TT2, TT4, WER5, WER6 and WER7 of the 2022 Bridging Island Plan were relevant to the application. Attention was also drawn to the Jersey Integrated Landscape and Seascape Assessment.

The Committee noted the relevant planning history of the site, including a similar application (P/2022/1283 refers) which had been refused in May 2023, due to concerns regarding the size and impact of the scheme on the nearby Listed Buildings.

The Committee noted that permission was sought for the construction of various extensions to an existing glasshouse. It was proposed to clad the structure in sheet metal, introduce surface water drainage, create a car parking area and undertake landscaping. A 2.3 metre high perimeter safety fence would surround the building, and a new access track would be formed to the northern edge of the site. The footprint of the building would increase by approximately 86 per cent, from approximately 325 square metres to 604 square metres. The proposed development would be used for the cultivation, drying and packaging of cannabis plants in preparation for distribution. Renewable energy systems were proposed, including a geothermal heat pump and rooftop solar panels, which would provide some of the energy needs for the facility.

The Committee was advised that the proposed access track would result in the loss of agricultural land and that a discrepancy had been identified in the site boundary line when compared with the previous application. It was estimated that approximately 600 square metres of agricultural land had been lost as a result of the planting of beech tree hedging extending 6 metres into the field. There was insufficient justification for the loss of this agricultural land. The design, scale and siting of the proposed extensions and fencing were dominant and visually intrusive within the landscape and contrary to the policies associated with the Protected Coastal Area. No evidence had been provided to suggest that the proposed countryside location was considered essential to the viability of the business. Furthermore, conflicting and inconsistent information had been submitted in

connexion with the application. Consequently, the application was recommended for refusal on the grounds that it was contrary to Policies SP4, SP5, PL5, NE2, NE3, ERE1, ERE2 and ERE5 of the 2022 Bridging Island Plan.

3 representations had been received in connexion with the application.

The Committee recalled that it had previously agreed to defer consideration of the above application on the basis that Members had not had sight of an unredacted business plan which had been submitted by the applicant. The content of the business plan was considered material to the application. It was confirmed that the Committee had now considered the unredacted business plan and no further oral representations would be received.

Having considered the application, the Committee, with the exception of Connétable P.B. Le Sueur of Trinity, Deputies A.F. Curtis of St. Clement and S. M. Ahier of St. Helier North, endorsed the recommendation to maintain the refusal of permission for the reasons set out in the Department report.

Southern Telephone Exchange, La Route Orange, St. Brelade: proposed replacement of telecommunications equipment (RFR).

S/2024/0580

A10. The Committee, with reference to its Minute No. A25 of 14th March 2024, considered a report in connexion with a request for the reconsideration of an application which had been refused by the Department under delegated powers and which proposed the removal of one antenna and the installation of telecommunications equipment to the north-east corner of the Southern Telephone Exchange, La Route Orange, St. Brelade. The Committee had visited the site on 5th November 2024.

A site plan and drawings were displayed. The Committee noted that the application site was a Grade 4 Listed Building situated in the Built-Up Area of Les Quennevais Centre and in Sustainable Transport Zone 3. Policies SP2, SP3, SP4, PL2, GD1, GD6, ME3, UI4 and HE1 of the 2022 Bridging Island Plan were relevant to the application.

The Committee noted the relevant planning history of the site, including a similar planning application (reference S/2023/0985) which had been approved in March 2024.

The Committee was advised that permission was sought for the removal of an existing antenna, which was situated on the roof of the Grade 4 Listed Building and the installation of one new mast and a 15.5 metre antenna with associated cabinets and fencing to the north-east corner of the application site.

The Committee noted that the Environmental Health Department (EH) had confirmed that no harm to health or amenities would arise from the proposals. Whilst EH had raised no objection to the application, a condition had been proposed which would require the measurement of the radio frequency of the mast to ensure that it did not breach guidelines. The Department was satisfied that this condition would alleviate any health-related concerns. The Committee noted that current evidence suggested that refusal of applications for mobile base stations on health grounds was unreasonable. Furthermore, such proposals had to be assessed against the policies of the 2022 Bridging Island Plan and were supported by policy UI4. It was noted that the equipment would be subject to International Commission on Non-Ionising Radiation Protection certification, a requirement of both licensing and the grant of planning permission. The Historic Environment Team (HET) had requested more information in connexion with the replacement of equipment in the proposed location, which could be obtained by way of condition should the Committee be minded to approve the application.

Having assessed the proposals against the relevant policy criteria, the Department had concluded that the height, design and location of the mast would be detrimental to the character and setting of the area. Furthermore, the proposed location of the equipment was not considered to be the least visually intrusive. Consequently, the application failed to meet the requirements of Policies GD6 and U14 of the 2022 Bridging Island Plan, and the application was recommended for refusal.

No representations had been received in connexion with the application.

The Committee heard from the applicant's agent, [REDACTED] of Waddington Architects, who pointed out that the Southern Telephone Exchange was, in fact, a telecommunications building. The siting of telecommunications equipment on a building of this nature was not considered to be unreasonable. The proposed location was the least obtrusive and landscaping and planting of evergreen magnolia trees would provide natural screening. The trees would be *circa* 4 metres in height at the time of planting and would mature to a height of *circa* 9 metres. The mast was designed to resemble street furniture and was considered appropriate in the setting. [REDACTED] noted that the Built-Up Area of Les Quennevais had been identified as the Island's secondary Urban Area in the 2022 Bridging Island Plan, so it was essential to ensure the provision of critical infrastructure.

The Committee heard from the applicant, [REDACTED], Chief Executive Officer, Jersey Telecom (JT) Group, who outlined the history of the mobile network in Jersey and noted that mobile connectivity was fundamental to Island life. The applicant company endeavoured to protect important vistas when considering locations for telecommunications equipment, and whilst every effort was made to install low key equipment an element of visibility was inevitable. JT Group was obliged to maintain and upgrade telecommunications equipment in accordance with the Telecommunications Law (Jersey) Amendment Regulations 2024. The move from the current radio access network to the new £85 million Ericsson network was essential, as was the equipment associated with this transfer. [REDACTED] added that constructive consultation had taken place with the Department in connexion with the application and reiterated that the proposed replacement of equipment was essential to maintain service to the busiest mobile site in the Island outside of St. Helier.

In response to questions from the Committee, the following was confirmed -

- the radio access network would move over to the Ericsson network during 2025, following planning permission for equipment being secured in advance of the transfer;
- alternative planting with trees which would grow to a greater height than the proposed Magnolia trees was not possible as the top of the mast could not be covered; and
- the mast would be painted Royal Air Force grey, which was considered to blend well with sky conditions.

Having considered the application, the Committee unanimously decided grant permission, subject to the conditions set out in the Department report.

Having recognised that its decision was contrary to the Department's recommendation, the Committee noted that the application would be re-presented at the next scheduled meeting for formal decision confirmation and the approval of any conditions which were to be attached to the permit.

Fauvic Nurseries, La Rue au Long, Grouville: proposed variation of planning conditions.

P/2023/1342

the variation of 3 conditions attached to the planning consent for the premises known as Holme Grown Limited (Holme Grown), Fauvic Nurseries, La Rue au Long, Grouville (application No. P/2009/0267 referred). The Committee had visited the site on 14th May 2024.

Deputy A.F. Curtis of St. Clement and Connétable M. Labey of Grouville did not participate in the determination of this item.

The Committee recalled that it had previously granted permission for the above application, contrary to the Department's recommendation.

It was noted that the applicant had subsequently worked with the Department in connexion with the specific wording of the conditions which were to be attached to the permit, as previously requested by the Committee, and had asked for certain revisions, as detailed within the Department report.

All representations received in connexion with the application had been included within the Committee's agenda packs.

The Committee heard from the applicant's agent, [REDACTED] of HD Planning, who highlighted Holme Grown's support of Jersey Hospice, with the business use complementing the charitable use. He advised that the conditions had been refined to align with the Committee's approval of the application in May 2024, and urged the Committee to reaffirm its support and help to secure the future of Jersey Hospice.

The Committee heard from [REDACTED], the applicant, who detailed the history of Holme Grown and apprised the Committee of the various community services offered by the business, referring to the operation as a 'hub' for the east of the Island. He felt that the partnership with Jersey Hospice would benefit Islanders and build on the support which the company had given to various Island charities. The proposals further aligned with Jersey's wider goals of economic stability by utilising redundant space at the site. In concluding, [REDACTED] expressed his frustration at the length of time it had taken to progress a minor application.

The Committee heard from [REDACTED], Chief Executive Officer of Jersey Hospice, who referred to the ageing population and the Government of Jersey End of Life Strategy (November 2023), under which Jersey Hospice was the main provider. Funding was required in order to ensure continuity of service and [REDACTED] estimated that Jersey Hospice would raise *circa* £20,000 per month from the operation at Holme Grown.

Connétable M. Labey of Grouville, expressed support for the application and urged the Committee to grant permission. With reference to its informal designation as 'the eastern hub', the Connétable advised that Holme Grown had been selected as the polling station for Grouville in the 2026 election. He highlighted the importance of the business to the local community in terms of the number of services provided over its 20 year history. The recycling facilities at the site were particularly beneficial as they had reduced the cost of kerbside recycling, which had been reflected in the Parish rates. The Connétable urged the Committee to approve the proposed conditions which were to be attached to the permit.

The Committee expressed concerns regarding the ramifications of approving condition No. 2, which allowed the farm shop and café to be sold or leased separately from the remainder of the farm holding. [REDACTED], Planning Applications Manager, advised that the Committee could determine the varied conditions separately, but could not alter the wording of the same. The Committee withdrew from the meeting in order to deliberate.

544
11th Meeting
07.11.2024

Having considered the matter, the Committee confirmed approval of the variation of conditions one and 3 only.