

Our Hospital

Supplementary Planning Guidance: Advice Note

DRAFT

About supplementary planning guidance

The Minister for the Environment may publish guidelines and policies (supplementary planning guidance) in respect of; development generally; any class of development; the development of any area of land; or the development of a specified site¹.

Supplementary planning guidance may cover a range of issues, both thematic and site specific, and provides further detail about either, policies and proposals in the Island Plan, or other issues relevant to the planning process.

Where relevant, supplementary planning guidance will be taken into account, as a material consideration, in making decisions.

Supplementary planning guidance is issued in a number of different forms including:

Advice notes, which offer more detailed information and guidance about the ways in which Island Plan policies are likely to be operated, interpreted and applied in decision making;

Policy notes, which can be issued by the Minister, following consultation with key stakeholders, in-between reviews of the Island Plan, to supplement and complement the existing planning policy framework;

Masterplans, development frameworks and planning briefs provide more detailed information and guidance about the development of specific sites and areas of the island; and

The current supplementary planning guidance is listed and can be viewed on the Government of Jersey website at www.gov.je/planningguidance.

Hard copies of all supplementary planning guidance can be obtained from Customer and Local Services, Philip Le Feuvre House, La Motte Street, St. Helier, JE4 8PE.

¹ Under Article 6 of the Planning and Building (Jersey) Law

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February 2020

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Section one: introduction

Introduction and purpose

The statutory planning process has so far provided the principal means by which members of the community have engaged with previous proposals about a future hospital. Many issues were raised, some of which were out with what would normally be understood to be 'planning' matters. Dealing with such developments of critical island-wide significance clearly shows that planning and wider political and community matters are inextricably linked.

Senator Farnham, as Chair of the Our Hospital Political Oversight Group, wrote to the Minister for the Environment on 2 October 2019 to request planning guidance to support the development of Our Hospital: a copy of this letter is enclosed at Annex A.

The purpose of this advice note, prepared in response to that request, is to provide those with an interest in the planning and design of a new hospital with guidance about a range of issues that need to be considered and addressed in relation to work undertaken to determine its location and future development.

This advice is offered in recognition that the issues raised by the development of a new hospital in Jersey are some of the most complex and difficult the island is likely to face. They are significant and the consequences of dealing with them are profound and far reaching: the new hospital will be a very large development, costing a significant amount of public money and it needs to serve the island for many decades to come.

It is a matter of public interest that the process of arriving at a decision which enables the delivery of the island's new hospital is fully informed and progresses smoothly, transparently, without undue delay, and with significant public and clinical input.

Status and scope of this guidance

This is currently draft guidance produced for consultation purposes. The draft guidance will be reviewed and, if necessary, amended in response to the findings of consultation.

This advice note includes guidance in respect of initial considerations; sustainable development considerations; design considerations; and other considerations. It includes planning guidance which, once adopted, will assist decision-makers in the determination of any planning application.

The determination of all planning applications involves a 'public interest test'. This is because the private right to develop land has – since planning legislation took effect in Jersey on 01 April 1965 – been removed and replaced with the requirement to apply for planning permission. In assessing whether to award planning permission decision-makers are required to have regard to the Island Plan and it is this which - having gone through a rigorous process of consultation and scrutiny before being adopted by the States Assembly - provides the policy framework that is developed 'in the best interest of the community' i.e. it represents the public interest.

Based on the experience of dealing with two previous planning applications for a future hospital, it is possible to identify wider issues that are of public concern which do not normally fall to be considered as part of planning decisions. These wider public interest considerations may be material to the determination of a future planning application for a new hospital and this guidance sets out those issues that would need to have been considered in order to allow any meaningful assessment of the 'wider public interest' of a future proposal. This guidance does not define a test of public interest; it establishes steps that would necessarily need to have been followed to enable the requirement of such a test to be conducted, if such a test is necessary.

It is also important to recognise and acknowledge that other issues for consideration could in future arise in relation to alternative sites or planning applications for Our Hospital: the considerations raised here are not, therefore, necessarily the only ones that might be material to a future determination.

Section two: policy context

The current Island Plan does not include any specific policy content or an allocated site to guide a new large-scale hospital development in the island: the emergence of the substantive new hospital proposal(s) occurred after the original plan-making process (leading up to the 2011 Island Plan adoption).

The absence of an Island Plan site allocation and specific policy content creates challenges for any proposal for a new hospital of the scale required as it is unlikely to 'fit' neatly with the Island Plan's policy content i.e. some tension with the policies of the Plan and some adverse environmental and other effects are very likely.

It is also clear that we have not identified a perfect site for the new hospital. Instead, feasible site options have been identified that could deliver the hospital project with each presenting different environmental effects and consequences.

In this light, it is considered appropriate to offer further guidance regarding issues that should be considered and assessed as part of any future planning application. These issues will be considered along with the detailed policy framework already provided by the current Island Plan.

In addition, the planning law enables a decision-maker to weigh any negative planning implications of a particular development proposal, which might challenge the provisions of the Island Plan, against its 'wider public interest', and to approve it where there is considered to be 'sufficient justification' to do so²; provided the reasons for so doing are stated clearly. This guidance sets out issues that – based on the experience of dealing with previous proposals for a future hospital – would need to have been considered in the development of a new proposal for OH and in order to allow any meaningful assessment of the 'wider public interest' of a future proposal, should this be required in the determination of a future planning application. It is not, however, possible to list all the matters which might constitute a 'wider public interest benefit' on a proposal which has not yet been submitted and on a site which has yet to be selected: others may, therefore, arise and apply that are not identified here.

The Island Plan is currently being reviewed³. It will make provision for a new hospital – either by way of allocating a specific site or including a policy which enables a new proposal to be tested – depending on the progress of the Our Hospital project, relative to the Island Plan Review. The policy context for decision making, under a new Island Plan, will be different and, in all likelihood, more straightforward, but the planning and other issues that are raised by the delivery of a new hospital still need to be addressed, as set out in this guidance.

² See Article 19 (3) [Planning and Building \(Jersey\) Law 2002](#)

³ <https://www.gov.je/PlanningBuilding/LawsRegs/IslandPlan/IslandPlanReview2021to2030/Pages/index.aspx>

Section three: key considerations for Our Hospital

The key considerations for Our Hospital include specific planning matters and also extend to wider non-planning matters. The identification of relevant non-planning matters has been informed by the process of dealing with two previous planning applications for a future hospital, which served to identify and crystallise those wider issues that are of public concern.

Initial considerations

Patient needs

The Jersey Care Model⁴ describes that the hospital will continue to be a place where safe care is delivered in an excellent clinical environment. The hospital will offer:

- Emergency Department
- Acute floor
- Operating theatres
- Medical specialties
- Intensive care
- Diagnostic services
- Maternity services including a Special Care Baby Unit
- Urgent treatment centre
- Outpatients clinics for complex cases

Qualitative and quantitative evidence should be available to demonstrate that any proposed development enjoys the confidence of patients and clinicians and that it can provide for a hospital that fulfills these identified functions both now and in a sustainable way in the future.

It is important that the process of defining the purpose, form and specification of the new general hospital, relative to other parts of the delivery of a new model of care, engages clinicians, other health care staff, and the community in a way that is open and transparent. This should include, for example, consideration of the location and delivery of mental health services.

Demonstrates community involvement

Prior to submitting a planning application, there should be communication with people, providing them with opportunity to engage and contribute to the development of proposals for a new hospital: this should be integral to producing plans which are fit for purpose, reflect community views, and provide a sustainable vision for the future.

⁴ <https://www.gov.je/Health/JerseyCareModel>

Given the significance of the OH project for the island, it is imperative that all members of the community, including clinicians and other health staff, are provided with opportunity to engage throughout the process of developing a new proposal for a new general hospital. This will lead to a better-informed, higher-quality outcome based on local knowledge and involvement throughout the process.

This will be a prerequisite to the submission of any planning application.

Deliverability and consequences of delay

Failing to address, or delaying, the evidenced need for a new general hospital will have profound and negative consequences, which will increase in scale and severity over time. Whilst not a planning issue, this is clearly of concern to the island and thus a matter of public interest.

There are a number of elements associated with this factor which might vary depending on the site that is ultimately pursued. These might include; the cost of development; the cost of any land acquisition (to enable development or to mitigate the effect of development); timescale for delivery; and the cost of managing clinical risk to ensure the safe operation of the existing facility.

All of these elements, where they are relevant and applicable, need to be considered and assessed consistently as an integral element of any site assessment process.

Sustainable development considerations

One of the primary purposes of the planning law is to ensure that the development of land in the island is '*orderly, comprehensive and sustainable in a manner that best serves the interests of the community*'. The Island Plan is the vehicle against which this test of sustainability is measured and it is essential that any emergent proposal is tested against those factors which underpin this principle, which include the following:

Relationship with spatial strategy

A strategic principle of the current Island Plan is to ensure that development takes place in the island in those locations which best promote social and environmental sustainability.

The Plan sets out a sequential approach to site location based on the following hierarchy of sustainability:

- development within the main Built-up Area of the Town of St Helier;

- development within the Built-up Area outside the Town of St Helier, including those parts of the island's urban environment identified and defined in the hierarchy of settlements and defined on the Island Plan Proposals Map;
- development of brownfield land outside the Built-up Area, to meet an identified need and where it is appropriate to do so;
- in exceptional circumstances, the development of land outside the Built-up Area to support the rural economy or parish communities, to meet an identified need and where it is appropriate to do so

On the basis of this sequential test, there will be a need to justify the proposed location of any future proposal for the island's new general hospital setting out, where relevant, why less sustainable locations might be pursued.

At a detailed policy level the existing Island Plan, at Policy SCO2, confers a presumption in favour of the development of new or additional primary healthcare facilities within the grounds of existing healthcare facilities or within the Built-up Area.

Efficient use of resources

Land use planning has a responsibility to ensure the appropriate use of land and resources and the Island Plan incorporates the principles of reduce, manage, invest within areas directly affecting natural resources, waste and transport.

In practical planning terms, this means that development proposals should seek to make the most effective and efficient use of land that has previously been developed in preference to the development of greenfield sites and should set out a clear justification for any departure from this.

The proposal would also be expected, as a matter of course, to demonstrate the highest standards of energy efficiency and resource use in the design and operation of the hospital building(s).

Sustainability of access

Strategic policies in the Island Plan seek to minimise travel overall; maximise the opportunities for sustainable travel; and reduce the reliance on car travel. It is important to consider this matter, relative to any new hospital proposal, not only in terms of its environmental implications but also to consider the social consequences of a location that may be more difficult to reach for those parts of the community without access to their own transport, including patients and staff

General hospitals are, by their nature, very significant trip generators with complex round-the-clock movements associated with employees, patients, servicing, visitors, and emergency services.

A comprehensive transport assessment of all aspects of travel will need to be undertaken and its impacts, implications and mitigations demonstrated relative to the strategic principles of seeking to minimise travel; reducing the use of the car; and promoting sustainable transport options, including existing and new bus services. It will also need to be demonstrated that it unequivocally meets clinical needs in terms of being able to meet established emergency response times.

Impact on the natural environment

The impacts of development upon the island's natural environment is an important consideration and should be duly assessed.

The implications of development for the island's biodiversity should be addressed where it is relevant to do so.

Resilience and future-proofing

It is considered important that the longer-term resilience of any hospital proposal is assessed in two distinct ways:

- from a practical and technical perspective, there will be a need to demonstrate that any proposal is resilient relative to the potential impacts of climate change and specifically flood risk; and
- there is a need to demonstrate its performance over time, which should include some consideration of the potential for adaptation and/or expansion, either within the boundaries of the site or an expansion of it.

Design considerations

New development should be of high quality design and should contribute to the island's character, identity and sense of place. Our Hospital should help to create a successful place and should do this by adopting a comprehensive design approach that achieves the successful integration of buildings, the public routes and spaces within and between buildings, and its townscape/landscape setting. It should have a human scale with internal spaces and external areas which respect the emotional needs of patients, staff and visitors.

There is also a need to ensure, and demonstrate, that high quality design can be assured through the procurement and delivery process of any new proposal.

Townscape/landscape and visual impacts

Delivering a new hospital to serve Jersey necessitates a very large development which will inevitably create design challenges and have implications for whichever part of the island in which the development is set.

There will be a need for any emergent proposal to be considered relative to the following design principles:

- appropriateness to location and context;
- visual impact;
- impact on views;
- design quality; and
- contribution to the character of the area and 'place-making'.

Impact on the historic environment

The impacts of development upon the island's historic environment is an important consideration and should be fully assessed.

The Island Plan sets out a general presumption in favour of the preservation of the character and integrity of heritage assets. Assessment of impact of development upon the historic environment includes not only the direct impact of development upon existing heritage assets, involving listed buildings and places, but also the indirect impact of development upon the settings of these assets, including impacts on 'off-site' heritage assets in the vicinity and further afield.

Impact on residential amenities

Given the scale of the OH project, it is likely that it will have some implications for neighbouring properties. It is important that any such potential impacts are properly assessed, specifically in relation to the considerations of sunlight / daylight, loss of privacy, and any general overbearing impacts.

The implications of increased level of activity derived from the introduction of an intensely serviced use, complete with around-the-clock emergency access, may also become a material consideration and regard should be had of any implications associated with this, including noise impact relative to existing background levels.

Every effort should be made to remove or mitigate any such impacts through the process of design. Should this not be possible, consideration should also be given to other methods of mitigation including the acquisition of neighbouring residential properties, when they are unreasonably affected by the development.

Other considerations

Socio-economic impacts

It is likely that the scale of the OH project will have some socio-economic impacts, and these should be appropriately assessed and considered.

These impacts are likely to concern the loss of existing businesses (directly displaced by the development), wider impacts on businesses, and the loss of homes. There may also be opportunity costs, where the development of the OH might preclude the use of land for other uses of public or socio-economic value to the island, and alternative costs should be factored in to any assessment.

There would also be substantial labour market implications given the scale of development taking place in a small island with a limited labour market of construction workers. Consideration should be given to alternative construction techniques, such as pre-construction/modular construction, to ameliorate any such impact. A comprehensive assessment of this issue should be undertaken and should include details of how any influx of personnel into the island throughout the lifetime of the project will be temporarily housed, which might involve a range of innovative solutions.

Consideration should also be given to the opportunity for Our Hospital to act as a focal point for the application and future on-island development of new digital and data technologies.

Assessment of health and local impacts, including demolition and construction

Whatever site is selected and pursued, there will be localised implications of delivering a major infrastructure project on those residents and business in the locality generated by factors such as noise, dust, vehicular movement and vibration. These effects are likely to be more extensive and impactful in an urban setting.

Any emergent scheme should demonstrate how, where relevant:

- effective healthcare services, working conditions and a quality patient environment can be maintained; and
- the implications for local residents and business are mitigated, as far as possible, in the immediate proximity of a large-scale construction project.

Section four: matters of process and decision-making

Site assessment process

It is now acknowledged and understood that any site for a new general hospital development will present some planning challenges. Any proposal for a new hospital, of the scale required, will inevitably lead to some adverse environmental and other effects. The scale of these challenges may grow if the range of health services, and the likely size of the facility, is increased.

It is also recognised that there are feasible site options that could deliver the hospital project, but each with different environmental effects and consequences. Each of these options will also present other 'non-planning' advantages and disadvantages.

A high-level and fully informed assessment of alternative sites is required to be undertaken which should be objective, evidence-based, consistent and sound. It is also imperative that any such process is open, transparent and participatory.

Any such assessment will help to inform site choice and will inevitably form part of an Environmental Impact Assessment to be submitted with any subsequent planning application, which will be required to justify why a site has been selected, relative to alternatives, taking into account the environmental and any other socio-economic effects.

Process: form of application

It has been accepted, through the planning history of the OH project thus far, that the form of a planning application in principle, is a valid form of planning application for the purposes of assessment and decision-making, provided it enables the broad acceptability of the proposal to be properly assessed in planning terms. It is essential that the application is supported by adequate detail to enable such assessment.

A proposal of the likely size of the new hospital will require an Environmental Impact Assessment and be supported by sufficient detail of the impacts of the proposal against the areas stated in Section three of this guidance.

An outline application in this context will, therefore, be much closer to a full detailed submission, although it is accepted that finer design detail around areas such as building facades and finished detail of landscaping can be reserved for latter stages.

It will be important to ensure that the assessment and consideration of other 'non-planning' issues outlined above are also integral to any planning application and that they are satisfactorily addressed.

Decision-making

The Minister considers that the proposed development of a new hospital for the island will likely have a significant effect on the interests of much of the community. He will, therefore, require that a public inquiry into any proposal for a new hospital is held before determining the application.

Deputy Chief Minister |
Minister for Economic Development,
Tourism, Sport and Culture



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Deputy John Young
Minister for the Environment
Government of Jersey
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02 October 2019

Dear *John,*

Guidance to support the development of Our Hospital

I write as Chair of Our Hospital Political Oversight Group (OHPOG).

You will have seen that the Chief Minister's report in May set out a new approach that

- establishes the agreed clinical requirements of the new hospital
- uses the outcome of this to scope the size and shape of a new hospital to inform the shortlisting of potential locations
- involves a thorough process of island and stakeholder communication and engagement on those locations, alongside technical and financial assessments of deliverability, in order to identify a preferred site for the Government and States Assembly to consider and approve.

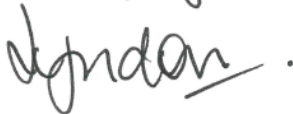
I am pleased to say that, given the good progress made to put in place new resourcing and governance arrangements, the project is now at the point where it would greatly benefit from some supplementary planning guidance from you, as Minister for the Environment, to inform its future direction.

The OHPOG would find it helpful to have your guidance on two matters. First, the planning process you would expect to see applied and followed in our site search process. Second, the issues you would expect to be covered by the project team when putting together their development proposals/planning application, and the issues that will need to be answered for the planning determination.

You may, of course, have other issues that you consider material to this process and we would equally welcome guidance on these.

I hope to be in a position to instruct the team on the correct process to follow and to ensure they include the correct material to so that any planning application is as robust as possible.

Yours sincerely

With kind regards


Senator Lyndon Farnham
Deputy Chief Minister
Chair of Our Hospital Political Oversight Group
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