

# **APPENDIX RG 4**

## **CONSIDERATION OF THE PROJECT AGAINST POLICIES OF THE REVISED ISLAND PLAN**

**2011**

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<p>Extract from Revised 2011 Island Plan and relevant <b>POLICY</b></p> <p>Policy references and paragraph numbers are re-produced form the Revised Island Plan.</p>	<p>How the new Les Quennevais School project compares to the provisions of the Revised Island Plan</p>
<p><b>STRATEGIC POLICIES</b></p>	
<p><b>Policy SP 1</b>  <b>Spatial strategy</b>  <b>Development will be concentrated within the Island’s Built-up Area, as defined on the <a href="#">Proposals Map</a>, and, in particular, within the Town of St Helier. Outside the Built-up Area, planning permission will only be given for development:</b>  <b>appropriate to the coast or countryside;</b>  <b>of brownfield land, which meets an identified need, and where it is appropriate to do so;</b>  <b>of greenfield land, in exceptional circumstances, where it justifiably supports parish communities or the rural economy and which meets an identified need and where it is appropriate to do so.</b></p>	<p>The proposal is for a facility that provides schooling close to the community it serves and is justified in terms of need – the current school is at the end of its useful life and rising school rolls need to be accommodated. There has been a proper assessment of alternative options and no suitable alternative site has been identified. Environmental implications of this proposal have been identified and avoided or mitigated as far as possible. Other secondary schools are provided for appropriately across the remainder of the island within the Built Up Area and a proposal for another school outside the Built Up Area will not arise. As such this proposal constitutes an exceptional circumstance as the particular circumstances will not be repeated.</p>
<p><b>Policy SP 2</b>  <b>Efficient use of resources</b>  <b>Development should make the most efficient and effective use of land, energy, water resources and buildings to help deliver a more sustainable</b></p>	<p>The proposal makes efficient and proportionate use of resources including appropriately located land – close to the existing school site - along with a design that facilitates efficient ongoing resource requirements, the use of renewable resources and seeks to secure climate change resilience.</p>

<p>form and pattern of sustainable development and to respond to climate change. In particular;</p> <ol style="list-style-type: none"> <li>1. The proposed provision of new development, its spatial distribution, location and design should be designed to limit carbon emissions;</li> <li>2. New development should be planned to make good use of opportunities for decentralised and renewable or low carbon energy;</li> <li>3. New development should be planned to minimise future vulnerability in a changing climate;</li> <li>4. New development should secure the highest viable resource efficiency, in terms of the re-use of existing land and buildings; the density of development; the conservation of water resources and energy efficiency.</li> </ol>	
<p><b>Policy SP 3</b>  <b>Sequential approach to development</b>  <b>A sequential approach to an assessment of development proposals will be applied in support of a more sustainable pattern of development and the more efficient and effective use of land, energy and buildings.</b>  <b>In particular, a sequential approach will be applied to the assessment of planning applications for:</b></p> <ol style="list-style-type: none"> <li>1. major new retail development based on a hierarchy of priorities in favour of development in the Core Retail Area, the Town Centre and the Town of St Helier, with a presumption against the development of such uses out of town;</li> <li>2. major new office development based on a hierarchy of priorities in favour of development in the Town Centre and Esplanade Quarter, the Town of St Helier, with a presumption against the development of such uses out of town;</li> <li>3. development where it is essential to provide a coast or countryside location based on a hierarchy of priorities of the Green Zone, followed by the Coastal National Park, together with the Shoreline and Marine Zones;</li> </ol>	<p>Policy SP3 makes no direct mention of significant public infrastructure but the application demonstrates the adoption of a robust sequential approach to selecting the site of this project. The sequential approach is centred on the site of the existing school so as to reflect the community it serves and the established catchment area for the school.</p>

<p><b>4. the re-use and/or redevelopment of land and buildings outside the Built-up Area in employment use based on a hierarchy of priorities in favour of its use within the economic sector for which permission was originally granted, followed by its use in support of the rural economy, with a presumption against its use or redevelopment for other uses.</b></p>	
<p><b>Policy SP 4</b>  <b>Protecting the natural and historic environment</b>  <b>A high priority will be given to the protection of the Island’s natural and historic environment. The protection of the countryside and coastal character types; Jersey’s biodiversity; and the Island’s heritage assets – its archaeology, historic buildings, structures and places – which contribute to and define its unique character and identity will be key material considerations in the determination of planning applications. The enhancement of biodiversity will also be encouraged.</b></p>	<p>The need for a new school is the driving force with this project but at every stage there has been an awareness to ensure the natural and historic environment has been respected.</p> <p>Whilst the scheme involves the loss of some improved grassland the inclusion of specially designed landscaping and a wildlife area for the school is likely to enhance – and possibly improve - biodiversity. There is no demonstrable threat to any ecological feature of value although appropriate steps will ensure the situation is constantly reviewed during the construction phase of the project.</p> <p>There are not anticipated to be any features of archaeological / heritage importance on the site but an appropriate and proportionate approach has been adopted in assessing any potential impact. This has been confirmed in the consultation response to the application by the Historic Environment Team</p>
<p><b>Policy SP 6</b>  <b>Reducing dependence on the car</b>  <b>Applications for development, such as housing, shopping, employment, health, education or leisure proposals, must be able to demonstrate that they will reduce dependence on the private car by providing for more environmentally-friendly modes of transport.</b>  <b>In particular, a proposal must demonstrate that:</b></p> <ol style="list-style-type: none"> <li><b>1. it is immediately accessible to existing or proposed pedestrian, cycle and public transport networks; and</b></li> </ol>	<p>. Reducing dependency on the car is a behaviour but there needs to be appropriate infrastructure and facilities to assist that behaviour. There is significant provision of secure bicycle parking to encourage trips by bicycle. The location of the school close to its existing base and well served by a network of footpaths allows easy pedestrian access to the school. The school has an excellent service of dedicated bus routes and is also located adjacent to the 15 bus route – which runs every 15 minutes from St Helier to the airport – and the 22 bus route. A Travel Plan has been adopted by the school to monitor transport patterns to and from the school</p>

<p>2. it does not give rise to an unacceptable increase in vehicular traffic, air pollution or parking on the public highway; and</p> <p>3. it is well related to the primary road network; and</p> <p>4. appropriate provision is made for car and cycle parking; and</p> <p>5. measures are incorporated to control traffic speeds and provide appropriate priority and a safe environment for pedestrians and cyclists; and</p> <p>6. it does not give rise to an unacceptable deterioration in air quality.</p> <p>Planning applications for significant levels of development where the type and/or level of traffic generation is an issue must be accompanied by evidence of the likely traffic impact on the public highway.</p> <p>Planning applications for significant levels of development must be accompanied by a Travel Plan.</p>	<p>A 20mph limit will be introduced around the site at school opening and closing times.</p> <p>There are no concerns over any potential air quality implications as confirmed prior to the submission of the application (Chapter 4 of the EIS)</p> <p>These measures address all of the points in Policy SP6.</p>
<p><b>Policy SP 7</b></p> <p><b>Better by design</b></p> <p><b>All development must be of high design quality that maintains and enhances the character and appearance of the area of Jersey in which it is located.</b></p> <p><b>The various components of development, including:</b></p> <ul style="list-style-type: none"> <li>• layout and form;</li> <li>• elevational treatment and appearance</li> <li>• density and mix</li> <li>• scale: height and massing</li> <li>• external elements, and landscaping; and</li> <li>• architectural detail and materials</li> </ul> <p><b>will be assessed to ensure that the development proposed makes a positive contribution to the following urban design objectives:</b></p> <ul style="list-style-type: none"> <li>• local character and sense of place</li> <li>• continuity and enclosure</li> <li>• quality of the public realm</li> </ul>	<p>The form of the building represents and maximises the opportunities for a place of learning and takes full account of the site and its assets without impacting on the surrounding open spaces and buildings and the amenities of the area.</p> <p>The layout allows service, parking, bus and cycle access without impacting on the pedestrian movement through and across the site. A simple palette of materials detailed carefully creates an impression of quality and longevity. The building sits comfortably within a mixed scale of building form and character and open vistas across to the west is maintained.</p> <p>Internally the Street is the soft centre of the School providing a central coming together space for formal and informal activities along with the opportunity to communicate and celebrate activities and achievements.</p>

<ul style="list-style-type: none"> <li>• ease of movement and permeability</li> <li>• legibility</li> <li>• adaptability</li> <li>• diversity</li> <li>• safety by design</li> </ul> <p>Applications must, where appropriate, be accompanied by a Design Statement to demonstrate and explain how the principles of good design have been incorporated into the development proposal.</p>	
<b>GENERAL POLICIES</b>	
<p><b>Education facilities (SCO1)</b>  <b>7.7</b> Jersey's schools and colleges are an essential element of the Island's social and economic infrastructure. They provide a service not only to the Island's young people, but also to the wider community and the local parish. Accordingly, educational facilities need to be close to the communities they serve and the Island Plan needs to ensure that land is available to meet the spatial requirements of both new and existing educational facilities, in relation to both buildings and open spaces. It is therefore important to make provision for the necessary spatial requirements of schools and colleges which, in Jersey, are currently assessed against the UK Department for Education (DfE) standards; and to safeguard these sites and their facilities from other forms of development.</p> <p><b>Secondary schools</b>  <b>7.17</b> There are four non-fee-paying 11-16 secondary schools in Jersey (Les Quennevais, Le Rocquier, Haute Vallée and Grainville) with a combined capacity of approximately 3,150 pupils. In addition to the non-fee-paying secondary schools, there are two fee-paying 11-18 States' secondary schools (Victoria College and Jersey College for Girls); one non-fee-paying</p>	<p>Since the adoption of the Island Plan in 2011 it has become apparent that the previous plan of extending and refurbishing the current Les Quennevais school would not deliver value for money or a school environment that compared with other secondary schools in Jersey. Notwithstanding the conclusion of a new school being the best option in value for money terms the demographics of Jersey have altered so that what was once anticipated to be a static/ falling school roll has altered to a rising demographic within the accurately forecastable future. The rise is uniform across the island and managing the capacity of Les Quennevais School by adjusting the school catchment area – as indicated in para 7.19 of the pre-amble to Policy SCO1 – cannot be achieved. This demonstrates how the context of a policy, and in particular the reasons for the policy, can alter over time.</p> <p>At the Examination in Public to the amendments to the Island Plan in 2014 the Inspectors recognised there may well be an argument for a new school and that it may have to be located within the Green Zone. The case made was such that the inspectors, wholly without prejudice to any particular location, indicated that it would be prudent to introduce sufficient flexibility within the Plan, at amendments to Policy</p>

<p>14-18 secondary school (Hautlieu School); and two private 11-18 secondary schools (de la Salle College and Beaulieu Convent).</p> <p><b>7.18</b> As for the primary school sector, Island demographics indicate a falling trend in the secondary school roll over the Plan period: the number of children entering secondary school peaked in 2003 and has now levelled out. Accordingly, it is not anticipated that new secondary school provision will be required during the next ten years.</p> <p><b>7.19</b> There are some local capacity issues related, in particular, to the west of the Island and Les Quennevais School. However, this can be addressed through management of the catchment area.</p> <p><b>7.20</b> Within existing secondary school provision in Jersey, there is a known deficiency in the extent of playing field provision available to Haute Vallée School: this is also evidenced by the <a href="#">Outdoor Open Space, Sport and Recreation Study</a> <sup>(5)</sup>. To address this deficiency, it is proposed that the western half of Field 1219, immediately to the south of the school and the existing playing field, is safeguarded for this purpose.</p> <p><b>7.24</b> Any development of educational facilities will, in particular, need to accord with the strategic policies of the Plan and also <a href="#">Policy GD 1 'General development considerations'</a>.</p> <p><b>Policy SCO 1</b>  <b>Educational facilities</b>  <b>The redevelopment of public or private educational sites and facilities for alternative uses will not be permitted except in exceptional circumstances and only where it can be demonstrated that the premises are surplus to public and private educational requirements and the wider community need.</b>  <b>Proposals for the development of additional educational facilities or for the extension and/or alteration of existing educational premises will be permitted provided that the proposal is,</b></p> <ol style="list-style-type: none"> <li><b>1. within the grounds of existing education facilities, or</b></li> <li><b>2. on a safeguarded site, or</b></li> </ol>	<p>NE7, to allow for the possibility of a school within the Green Zone provided that: the need is proven; alternatives have been properly identified and considered; and that environmental implications for the Green Zone are properly identified, avoided and/or mitigated as far as possible.</p> <p>The Minister for Planning and Environment did not consider that it was appropriate to amend Policy SC01 as no specific site had been identified at the time for any new school.</p>
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<p><b>3. within the Built-up Area.</b>  <b>To address deficiencies in the provision of education facilities, the following sites are safeguarded for educational use, the alternative development of which will not be permitted unless it can be demonstrated that they are no longer required for educational purposes:</b></p> <ol style="list-style-type: none"> <li><b>1. Field 327A, St. Martin,</b></li> <li><b>2. western half of Field 1219, Mont a L'Abbe, St Helier,</b></li> <li><b>3. the former D'Hautrée School site,</b></li> <li><b>4. part of Field 263A, Grouville,</b></li> <li><b>5. part of Field 782, St. Ouen,</b></li> <li><b>6. part of Field 1533, St. Helier, and;</b></li> <li><b>7. western part (up to 2,500 sqm) of Field 525, St John</b></li> </ol>	
<p><b>General Development Control Policies</b></p>	
<p><b>General development</b></p> <p><b>1.4</b> This policy is intended to provide the criteria against which all planning applications can be considered. It provides a useful starting point for anyone considering making a planning application and will help ensure that important matters related to the assessment of development applications are rigorously, comprehensively and consistently considered.</p> <p><b>1.5</b> The considerations identified in the policy are applicable to most types of planning applications, to a greater or lesser degree. They should not, however, be treated in isolation but considered within the context of the strategic policies at the front of the Plan, together with the more specific polices, where relevant, in this or other topic specific chapters, as well as any relevant supplementary planning guidance.</p> <p><b>1.6</b> General development control considerations can be summarised around the following six main themes:</p>	<p>The new school will</p> <ul style="list-style-type: none"> <li>• contribute to a sustainable pattern of development by retaining the existing catchment of the school and in turn the retention of sensible travel patterns and delivery of a social function at the heart of the community it serves</li> <li>• provide a significantly more appropriate learning environment to the existing school building which hinders efficient and accessible learning environments. The existing school has reached the end of its functional life and its retention / adaptation</li> <li>• achieve BREEAM 'very good' through its use of design features, materials and energy usage / generation</li> <li>• does not seriously harm Jersey's natural or historic environment or have a significant effect on the landscape character</li> </ul>



<ul style="list-style-type: none"> <li>• <b>Sustainable development</b> : how does the proposed development contribute towards a more sustainable form and pattern of development in Jersey? Consideration of this issue might range from; an assessment of where it is located relative to the existing pattern of development in the Island, and in particular, the location of services and infrastructure; to what it is made from and how energy efficient it is;</li> <li>• <b>Impact on the environment:</b> what impact does the proposed development have for the surrounding area, neighbouring land and buildings and the site itself, particularly where the location is sensitive because of the quality of the local landscape, or its heritage or wildlife value?;</li> <li>• <b>Impact on neighbouring land and users:</b> how will the proposed development affect people who will use it or live and work next to it?</li> <li>• <b>Value of the development:</b> there will be a need for the Minister for Planning and Environment to consider the value of the development to the Island, relative to its stated needs and objectives, and in particular, to the local economy.</li> <li>• <b>Travel and transport:</b> the transport implications of new development are often based around the adequacy of car parking provision and access and egress to and from a site. The Minister will increasingly need to consider the traffic and transport implications of development as part of reducing the need to travel and encouraging more sustainable transport modes.</li> <li>• <b>Design quality:</b> the design and architecture of new development is a critical consideration and, in particular, attention must be paid to new development within its local context</li> </ul> <p><b>Policy GD 1</b>  <b>General development considerations</b>  <b>Development proposals will not be permitted unless the following criteria are met such that the proposed development;</b></p>	<ul style="list-style-type: none"> <li>• will not impact on important open space (as defined by the Plan), trees of importance or any natural or built features.</li> <li>• Will not unreasonably affect the character of the area</li> <li>• Does not unreasonably harm the amenity of surrounding residents</li> <li>• Contributes to the island’s economy by educating a sustainable workforce</li> <li>• Whilst there will be a regrettable loss of agricultural land, on balance the merits of the project outweigh the loss.</li> <li>• Is of a high quality of design</li> </ul>
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1. contributes towards a more sustainable form and pattern of development in the Island in accord with the Island Plan strategic [Policy SP 1 'Spatial strategy'](#) ; [Policy SP 2 'Efficient use of resources'](#); and [Policy SP 3 'Sequential approach to development'](#); and in particular it;
  - a. will not replace a building that is capable of being repaired or refurbished;
  - b. where possible makes efficient use of construction and demolition materials to avoid generation of waste and to ensure the efficient use of resources ([Policy WM 1 'Waste minimisation and new development'](#));
  - c. encourages energy efficiency through building design, materials, layout and orientation ([Policy SP 2 'Efficient use of resources'](#));
  - d. is adequately serviced and includes the provision of satisfactory mains drainage ([Policy LWM 2 'Foul sewerage facilities'](#)) and other service infrastructure.
  - e. improves facilities for the storage and collection of refuse, including recyclables (in accord with WM5).
2. does not seriously harm the Island's natural and historic environment, in accord with [Policy SP 4 'Protecting the natural and historic environment'](#), and in particular;
  - a. will not have an unreasonable impact on the character of the coast and countryside ([Policy NE 6 'Coastal National Park'](#); [Green Zone](#) and [Policy NE 5 'Marine Zone'](#)), biodiversity ([Policy NE 1 'Conservation and enhancement of biological diversity'](#)), archaeological remains ([Policy HE 5 'Preservation of archaeological resources'](#)) or heritage assets ([Policy HE 1 'Protecting Listed buildings and places'](#)) and includes where appropriate measures for the enhancement of such features and the landscaping of the site;

- b. will not have an unreasonable impact on important open space; natural or built features, including [Policy NE 4 'Trees, woodland and boundary features'](#); and [Proposal 4 'Wildlife corridor designation'](#);
  - c. will not unreasonably affect the character and amenity of the area, having specific regard to the character of the coast and countryside (Coastal National Park and Green Zone) and the built environment.
3. does not unreasonably harm the amenities of neighbouring uses, including the living conditions for nearby residents <sup>(1)</sup>, in particular;
- a. not unreasonably affect the level of privacy to buildings and land that owners and occupiers might expect to enjoy;
  - b. not unreasonably affect the level of light to buildings and land that owners and occupiers might expect to enjoy;
  - c. not adversely affect the health, safety and environment of users of buildings and land by virtue of emissions to air, land, buildings and water including light, noise, vibration, dust, odour, fumes, electro-magnetic fields, effluent or other emissions;
  - d. take into account the need to design out crime and to facilitate personal safety and security in accordance with the principles of safety by design, by way of a crime impact statement if required, as set out in supplementary planning guidance;
  - e. not affect, to any material extent, the safe operations of Jersey Airport and Jersey harbours, including both the Island's harbours and navigation marks.
4. contributes to and/or does not detract from the maintenance and diversification of the Island's economy, in accord with [Policy SP 5 'Economic growth and diversification'](#), and in particular, will

<p>not have an unreasonable impact on agricultural land, in accord with <a href="#">Policy ERE 1 'Safeguarding agricultural land'</a>.</p> <p>5. contributes, where appropriate, to reducing dependence on the car, in accord with <a href="#">Policy SP 6 'Reducing dependence on the car'</a>, and in particular;</p> <ul style="list-style-type: none"> <li>a. is accessible by pedestrians, cyclists and public transport users, including those with mobility impairments;</li> <li>b. will not lead to unacceptable problems of traffic generation, safety or parking;</li> <li>c. provides a satisfactory means of access, manoeuvring space within the site and adequate space for parking,</li> <li>d. developments to which the public has access must include adequate arrangements for safe and convenient access for all and in particular should meet the needs of those with mobility difficulties.</li> </ul> <p>6. is of a high quality of design, in accord with <a href="#">Policy SP 7 'Better by design'</a> and <a href="#">Policy GD 7 'Design quality'</a>, such that it maintains and enhances the character and appearance of the Island and that, where appropriate, it makes provision for hard and soft infrastructure that may be required as a result of the development.</p>	
<p><b>Skyline, views and vistas (GD5)</b></p> <p>1.19 Jersey has a rich and varied landscape and townscape; its topography enables spectacular views of natural settings and buildings which are valued by local people and visitors alike and which are part of its character and identity. New development can have a significant visual impact upon the Island's important skylines, views and vistas, and it is vitally important that consideration is given to the widest visual impact of development proposals in order to protect and manage change to these important aspects of the Island's character appropriately.</p> <p>1.20 New development can affect skylines, views and vistas in two ways:</p>	<p>The building does not have any impact on the skyline or on a strategic view or important vista as identified in the Island Plan or other guidance and there are no landmark or Listed Buildings or places affected by the proposal.</p> <p>The proposal will have an impact on views across what are existing agricultural fields which in the context of the surroundings of the site could not be considered open countryside. This impact will be extremely localised – limited to the immediate boundaries of the site - and as such will not be seriously detrimental</p> <p>The proposal accords with Policy GD5.</p>

- by obscuring, in part or in whole, an important view or vista;
- by detracting from the quality of a landscape or townscape setting, or the setting of a landmark building, structure or landscape feature that comprises all or part of an important skyline, vista or view.

1.21 The following perspectives are considered to be of particular importance:

- views of the countryside and coastline from within the Built-up Area, and particularly from the town centre of St Helier and along the Built-up Area of the south and east coast;
- views of the St. Helier skyline, particularly from strategic approaches to the town, on land and sea;
- views along and from the coastline and sea, particularly from the Island's enclosed beaches and bays;
- the skyline of inland escarpments and valley slopes;
- views across open countryside, particularly to and from the inland ridges of the central plateau separating the Island's main valleys;
- views into and from within conservation areas;
- the setting of listed buildings;
- views of landmark buildings.

1.22 Further guidance and specific examples of important views and vistas, and the ability of sensitive landscape features such as ridges, escarpments, headlands and valley heads to accommodate new development, are identified in the [Urban Character Appraisal](#) and the [Countryside Character Appraisal](#).

1.23 The scale or height of existing buildings and structures which detract from an important skyline, vista or view will not be accepted as a precedent for their redevelopment where there is an opportunity to repair the skyline, vista or view with more sensitively scaled development. The Minister for Planning and Environment will seek to repair important skylines, views and vistas, through the development control process and on the basis of the application of sound principles of good urban design which acknowledges and respects context, where opportunities arise.

<p>1.24 Proposals for new tall buildings will also need to accord with <a href="#">Policy BE 5 'Tall buildings'</a></p> <p><b>Policy GD 5</b>  <b>Skyline, views and vistas</b>  <b>The Minister for Planning and Environment will seek to protect or enhance the skyline, strategic views, important vistas, and the setting of landmark and Listed buildings and places.</b>  <b>Proposed development that has a seriously detrimental impact, by virtue of its siting, scale, profile or design, in terms of its affect upon or obscuring of the skyline, strategic views, important vistas, and the setting of landmark and Listed buildings and places will not be permitted.</b></p>	
<p><b>Design quality</b>  <b>1.30</b> The Minister for Planning and Environment is determined to raise significantly the standard of building design in Jersey and to champion good architecture, design and sustainable development. The Minister has set out and established a series of design objectives which he will seek to achieve through the planning system, by providing a clear and comprehensive framework of policy and guidance, as well as through the regulatory and appraisal process of development control.  <b>Achieving design quality (GD7)</b>  <b>1.31</b> To ensure that the aspirations for design quality and sustainable development are transformed into the physical delivery of better buildings, spaces and places, it is proposed that the planning process will:  <b>Proposal 3</b>  <b>Achieving design quality</b>  To ensure that the aspirations for design quality and sustainable development are transformed into the physical delivery of better buildings, spaces and places, it is proposed that the planning process will:</p>	<p>The form of the building represents and maximises the opportunities for a place of learning and takes full account of the site and its assets without impacting on the surrounding open spaces and buildings and the amenities of the area.</p> <p>The layout allows service, parking, bus and cycle access without impacting on the pedestrian movement through and across the site.</p> <p>A simple palette of materials detailed carefully creates an impression of quality and longevity. The building sits comfortably within a mixed scale of building form and character and open vistas across to the west is maintained.</p> <p>Internally the Street is the soft centre of the School providing a central coming together space for formal and informal activities along with the opportunity to communicate and celebrate activities and achievements.</p>

- provide a clear and robust policy framework, with locally distinctive policy that provides clarity to developers about what is required;
- ensure that there is sufficient policy and guidance at a range of scales – Island Plan, master-plans, development briefs and design codes;
- demand good design quality in all schemes - using pre-application discussions, design statements and ensuring that the planning application contains sufficient detail to enable it to be assessed properly within its context;
- ensure that planning conditions and legal agreements are used, where necessary, to secure quality;
- provide access to design skills within the Department of the Environment - either in-house, through consultants, or by access to external design review processes; and
- monitor design quality

The Minister for Planning and Environment will also develop, publish and adopt a code for sustainable homes as supplementary planning guidance.

**1.32** The Minister for Planning and Environment has and will publish supplementary planning guidance to expand and assist the interpretation and application of his design policy and objectives. The Jersey Design Guide <sup>(7)</sup> describes the key elements that make up the Minister for Planning and Environment's design principles and seeks to illustrate local exemplars. Area-based design guidance, for the town of St Helier, is to be published, based on the St Helier Character Appraisal <sup>(8)</sup>. This study was undertaken under the auspices of the 2002 Island Plan to better understand the value, significance and form of the townscape of St Helier. The Countryside Character Appraisal <sup>(9)</sup>, performs a similar purpose for understanding the landscape qualities of Jersey's coast and countryside.

**1.33** The Minister has, and will continue to publish supplementary planning guidance to inform the development and regeneration of specific areas and sites - in the form of masterplans and development briefs - to ensure, amongst other things, that high design quality is achieved. The

Esplanade Quarter masterplan, for example, will be supplemented by a set of design codes for this new quarter of the town. Other sites within the Built-up Area - regeneration zones and strategic development sites - will be the subject of master plans, and design and development briefs.

**1.34** The Minister will also seek to ensure that design skills are embedded in the planning process to ensure the rigorous and consistent assessment and critique of development proposals in order to enhance design quality. The Department of the Environment has established the post of Architect and Advisor to the Minister and is to set up an architectural commission to ensure that the appropriate resources and skills are available within and to the planning system to help deliver high quality design outcomes.

**1.35** Design statements will be required to assess the design quality of proposed development and supplementary planning guidance <sup>(10)</sup> has been issued to inform this. They are intended to be as much a facilitating mechanism to promote design quality as a controlling mechanism. The design statement should cover all aspects of design and not simply the appearance of a building, structure or space and provide the Minister with a coherent and clear justification as to the intent and evolution of the proposed design of development and its relationship to context. In the wider interests of sustainability, the design statement should normally include a "statement of sustainability" which shall have regard to the nature and origin of construction materials, the energy inputs required for construction and the lifetime energy requirements of the development.

**Design quality**

**1.36** At its best, planning can deliver well-designed development in the right place and at the right time, but poor planning can leave a legacy of failed buildings and spaces. The Minister for Planning and Environment has given priority to the objective of promoting better design and is determined to raise significantly the standard of building design in the Island as an essential part of creating sustainable development through the planning process, in accord with [Policy SP 2 'Efficient use of resources'](#) and [Policy SP 7 'Better by design'](#).



**1.37** The value of well-designed places and spaces is well understood: functional, visually attractive, safe, accessible and inclusive places and spaces attract residents, visitors and investment, and planning plays a critical role in securing quality in the design of places and spaces.

**1.38** This policy establishes the criteria within which the quality of design will be judged. The distinctive local character of the area is important, but good design need not necessarily replicate local traditions. Good design will respect, re-interpret and be in harmony with the local context.

**Policy GD 7**

**Design quality**

**A high quality of design that respects, conserves and contributes positively to the diversity and distinctiveness of the landscape and the built context will be sought in all developments, in accord with the principles of good urban design, as set out in policy SP7 'Better by design.'**

**Where the design of proposed development does not adequately address and appropriately respond to the following criteria, it will not be permitted:**

- 1. the scale, form, massing, orientation, siting and density of the development, and inward and outward views;**
- 2. the relationship to existing buildings, settlement form and character, topography, landscape features and the wider landscape setting;**
- 3. the degree to which design details, colours, materials and finishes reflect or complement the style and traditions of local buildings;**
- 4. the use and maintenance of landscape to enhance new development and the degree to which this makes use of local features and an appropriate mix of materials and plant species suited to both the landscape and wildlife interests of the locality;**
- 5. the incorporation of existing site features into the development such as boundary walls, banks and trees;**

<p>6. the design of safe pedestrian routes, including for those with mobility impairments, vehicle access and parking; and</p> <p>7. the incorporation of features to design out crime and to facilitate personal safety and security, in accord with the principles of safety by design, by way of a crime impact statement if required, as set out in supplementary planning guidance.</p>	
<p><b>Percentage for art (GD8)</b></p> <p>1.39 Percentage for Art is a mechanism to encourage developers to allocate a proportion of the costs of any new building, or refurbishment, towards the provision of art in the public domain. The scheme aims to benefit the Island by integrating art and craftsmanship of the highest quality into our built environment and it is intended that it will develop a legacy of public art, and artistic expression, to be enjoyed and appreciated by Islanders and visitors alike.</p> <p>1.40 A Percentage for Art policy was first introduced by the States of Jersey as part of the 2002 Island Plan and is further supported by the States Cultural Strategy, adopted in 2005. Developers are encouraged to fund, commission and deliver their own Percentage for Art project in order to enrich their development or its immediate surroundings.</p> <p>1.41 The Minister for Planning and Environment has published supplementary planning guidance on Percentage for Art to help establish where and when public art might be most valuable, the level at which contributions might be made, together with practical advice about how to engage an artist.</p> <p><b>Policy GD 8</b>  <b>Percentage for art</b>  <b>The Minister for Planning and Environment will encourage the contribution of a percentage of design and development costs to the provision of public art. Agreements will be sought where it is considered that:</b></p>	<p>The design of the school includes a significant and striking communal space that runs down the spine of the building. This space is a deliberate feature that unifies the school community, joins physically and metaphorically the parts (and functions) of the school that contribute to its whole. The space is unavoidable and inclusive providing a constant conduit of movement and mingling to bind the community together.</p> <p>Within this important space the school will celebrate achievements and successes of the pupils, and this will include the display of art produced by the school community to provide inspiration and celebration of what it can achieve. This sense of celebration and achievement demonstrates how art can inspire and satisfy and how this inspiration and satisfaction it can be sourced from within the school community itself.</p> <p>This commitment will inevitably express Jersey’s cultural identity and engender pride and ownership in the school, enhance the quality and experience of the Island’s public building, create a contemporary image and celebrate cultural diversity and confidence. It will also contribute to a sense of place and the character and identity of the school and wider community. As such this approach reflects the benefits of art in the public domain and will represent this project’s contribution towards the provision of public art.</p> <p>As the contribution to public art is being made within the school and its wider community there will be no percentage for art contribution for this project</p>

<p>•both the scale and location of a new development are appropriate for the inclusion of public art; and</p> <p>•the provision of public art would enhance the public’s enjoyment of the building, development or space.</p>	<p>In addition this scheme is a major public infrastructure project. Finance for the scheme is drawn directly from public funds. There are no profits made on the project and neither are there any tax structures around the project. Any contribution to percent for art would have to be made directly from the public purse. This would not constitute appropriate use of public funds in the current financial climate.</p>
<h3>Natural Environment Policies</h3>	
<p><b>Biodiversity</b>  <b>Identifying biodiversity</b>  <b>2.22</b> Biodiversity is the variety of life forms that we see around us. It includes the whole range of mammals, birds, reptiles, amphibians, fish, insects and other invertebrates, plants, fungi and micro-organisms. Biodiversity also encompasses ecosystem variation and genetic variation. The Minister for Planning and Environment has obligations under the Planning and Building (Jersey) Law 2002 and various international conventions <sup>(42)</sup> to conserve and enhance the Island's biodiversity and to develop public awareness and involvement in conserving it.  <b>2.23</b> These obligations are, in part, met by the identification, designation and protection of sites of wildlife value. These protected sites include the Island's four Ramsar sites, Environmentally Sensitive Areas (ESA) and Sites of Special Interest (SSI).  <b>2.24</b> Jersey's <a href="#">Ramsar</a> sites, as identified on the map below and the <a href="#">Proposals Map</a> include;</p> <ul style="list-style-type: none"> <li>• South East Coast of Jersey</li> <li>• Les Écréhous &amp; Les Dirouilles</li> <li>• Les Minquiers</li> <li>• Les Pierres de Lecq (the Paternosters)</li> </ul>	<p>Ecologically important features and habitats / occupants of the site have been identified through appropriate survey techniques and the proposal will not seriously adversely affect biological diversity. Proportionate and appropriate mitigation exercises have been identified to ensure impact on biodiversity is kept to a minimum. The completed development will include areas that will encourage biodiversity as an educational resource which not only provides a physical resource to encourage biodiversity but also an important educational resource that informs on the importance of ongoing biodiversity issues. The landscape team will work closely with people with local knowledge of biodiversity to ensure that features are included in the landscaping that encourage local biodiversity. The steps taken to consider potential impact of the development on the ecology of the area along with the suggested actions of maintaining a watching brief during the works, implementing a species migration plan and creating bio-diverse environments within the development accord with Policy NE1 and have been indicated to be appropriate by the Natural Environment Team.</p>

**Map 2.1 Ramsar Sites** ([Popup full image](#))

**2.25** Environmentally Sensitive Areas (ESA) have been defined <sup>(13)</sup> on the basis that they represent the main areas of the Island's key habitats. ESAs include the following:

- Les Landes heathland;
- St Ouen's Bay habitats;
- North Coast habitats; especially heathlands, coastal grassland, maritime cliff vegetation and interconnecting habitats;
- Rozel area – predominantly coastal habitats and woodland, including St. Catherine's Valley
- Grouville habitats
- South-West Coast heathlands;
- Ouaisné to Noirmont coastal habitats;
- Valley woodlands and wet grasslands;
- Rue des Près wet grasslands.

**2.26** There are some important habitats that are small and isolated and not included in the designation of Environmentally Sensitive Areas and are protected as Sites of Special Interest in accord with the criteria for designation and protection of these sites set out in the Biodiversity Strategy <sup>(14)</sup>.

**2.27** In addition to the protected Ramsar sites, ESAs and SSIs, there may also be other small semi-natural areas or sites that are important to wildlife and which have a biodiversity value. Some of these may be protected by the introduction of a new form of protected site - Sites of Importance for Nature Conservation (SINC) - others may not, but may still have biodiversity value. A good example of small sites of biodiversity value in Jersey is the remaining network of lichen-covered ancient roadside and field walls and banques that are home to rich wildlife communities providing a valuable cultural and natural historical reservoir of biodiversity.

**Conservation and enhancement of biological diversity**

**2.28** Where development proposals affect protected sites or sites of wildlife value, the impact of the proposed development upon biological diversity will be a material consideration.

**2.29** It is important that changes to protected sites or sites of biodiversity value respect their integrity and, where protected, do not detract from the essence of why they were designated in the first place. The general principles and best practice that should be adopted and applied to the conservation of biodiversity is set out in the Biodiversity Strategy <sup>(15)</sup>. The issues that are generally relevant to the consideration of all sites of biodiversity value are;

- the importance of the site; its intrinsic biological diversity or other interest and rarity;
- the particular attributes of the site which justify its protection;
- the extent to which the proposed works would bring substantial benefits for the community, in particular by contributing to the economic regeneration of the area or the enhancement of its environment.

**2.30** An appropriate level of information will be required to be provided and funded by the developer, as an integral part of a planning application, for development proposals affecting protected sites or sites of biodiversity value in order to properly assess and weigh the likely impact of the proposed development. Where appropriate this will need to be accompanied by a mitigation strategy, for protecting any affected parts of the site. This information will allow the Minister for Planning and Environment to make a fully informed decision on the proposal.

**2.31** In accord with the strategic policies of the Plan and the objectives of the Biodiversity Strategy, the Minister for Planning and Environment places a high level of importance on the protection of biodiversity. There may, however, be exceptional circumstances where the need for a proposed development clearly outweighs the nature conservation value of the site. In these situations, where planning permission is granted for such developments, the Minister will use planning conditions or obligations; to ensure mitigation of the adverse implications of the proposed

<p>development or; as a last resort, to ensure appropriate compensation for losses. In all such cases there will need to be a demonstrable net gain to the overall nature conservation interest.</p> <p><b>2.32</b> Within new developments the Minister for Planning and Environment will encourage the establishment of new habitats, where appropriate.</p> <p><b>Policy NE 1</b></p> <p><b>Conservation and enhancement of biological diversity</b></p> <p><b>There will be a presumption in favour of the conservation and enhancement of biological diversity in accord with <a href="#">Policy SP 4 'Protecting the natural and historic environment'</a>.</b></p> <p><b>Permission will not be granted for:</b></p> <ul style="list-style-type: none"> <li>• the total or partial loss of a protected site;</li> <li>• development which would seriously adversely affect biological diversity.</li> </ul> <p><b>In exceptional circumstances, where the need for a proposed development clearly outweighs the biodiversity value of a site and development which would have an adverse effect on biodiversity is allowed, the Minister for Planning and Environment will use planning conditions and planning obligations to provide appropriate mitigation and compensatory measures to secure a demonstrable net gain in biodiversity.</b></p> <p><b>The Minister for Planning and Environment will encourage and promote opportunities to conserve wildlife and to create and manage new natural or semi-natural habitats in the context of development schemes through appropriate building design and site layouts, landscaping and choice of plant species.</b></p> <p><b>Applications for proposals affecting protected sites which do not provide sufficient information to enable the likely impact of proposals to be considered, understood and evaluated will be refused.</b></p>	
<p><b>Trees, woodland and boundary features</b></p>	<p>None of the boundary features on the site have a particularly high amenity value in themselves. There is a stone wall running across the</p>

**2.39** Trees and woodlands are important elements in the landscape and townscape of Jersey providing essential wildlife habitats which support the Island's biodiversity, helping to reduce air pollution and softening and enhancing built development. Similarly, many of the Island's boundary features - walls, fosses, banques and hedgerows - are also of great biodiversity value, as well as being of historic and cultural significance, and an essential element of the Island's character in both the countryside and the built environment. The historic field boundaries of the Island and the small fields they enclose are of early origin and represent a unique aspect of the Jersey landscape.

**2.40** It is, therefore, important, in accord with the Strategic Policies of the Plan ([Policy SP 4 'Protecting the natural and historic environment'](#)) that, where trees, woods, walls, fosses, banques and hedgerows are of landscape, townscape, amenity, biodiversity or historical value, they are protected and retained.

**2.41** In appropriate circumstances, and in all cases where the removal of trees or hedgerows is proposed, the Department of the Environment will require planning applications to include a tree survey detailing the location, ground levels, species, canopy size and root system spread, together with an assessment of their condition, of existing trees in order to properly assess and consider the implications of development for these important features.

**2.42** The removal of a hedgerow or banque or other physical feature defining a boundary of land is considered to be development under Article 5 of the Planning and Building (Jersey) Law 2002 and requires the permission of the Minister. The contribution of these features to the townscape, landscape character of an area; the Island's historic capital, and its biodiversity value will be material considerations in the determination of any applications.

**2.43** When planning permission is granted, conditions will be attached to require; protection of existing trees during construction; replacement planting to compensate for any trees lost as a result of development activity on the site, where appropriate; and a replacement scheme for any

site that provides the opportunity for biodiversity which would unfortunately be lost by the development. Other boundary features including granite walls will be retained and repaired to reflect the local character.

There will be no loss of trees, woodlands or boundary features that contribute landscape or amenity value. Whilst a boundary wall that contributes to habitat value will unfortunately be lost, this will be compensated for by the provision of new landscape features to be provided by the project. The landscape team will work closely with people with local knowledge of biodiversity to ensure that features are included in the landscaping that encourage local biodiversity.

protected or new trees or landscaping on the site, which die within a specified time period following development.

**2.44** The Minister for Planning and Environment will encourage the provision of new landscaping on development sites as an integral element of good design and to enhance the Island's biodiversity. Careful consideration to the selection of species should be demonstrated to ensure that landscaping is appropriate to the site and its context and is beneficial to the enhancement of wildlife and biodiversity value. Where new landscaping is not or cannot be provided as an integral element of a development scheme, or where existing trees or hedgerows are to be lost as a result of development and not adequately replaced, the Minister may require landscaping schemes to be carried out in connection with unrelated land or require financial contributions to the Ecology Trust Fund or Countryside Renewal Scheme, through the use of planning obligations.

**2.45** The Minister for Planning and Environment will use the powers available to him under the Planning and Building (Jersey) Law to ensure that important trees are provided with comprehensive protection by adding them to the List of Protected Trees. This ensures that any works to Protected Trees, including any subsequent management of them, requires the permission of the Minister. Addition of a tree to the List of Protected Trees also ensures that the protection afforded to the tree extends beyond the duration and completion of the development.

**Policy NE 4**

**Trees, woodland and boundary features**

**Trees, woodlands and boundary features - walls, fosses, banques and hedgerows - which are of landscape, townscape, amenity, biodiversity or historical value, will be protected by:**

- 1. refusing development proposals which will result in their loss or damage; and**
- 2. requiring trees or hedgerows which are being retained on development sites to be adequately protected during any site works; and**



<p><b>3. adding individual trees and groups of trees which make an important contribution to the landscape, townscape or local amenity value of a site or area to the List of Protected Trees.</b></p> <p><b>Development proposals which do not adequately make provision for the appropriate landscaping of a site - including the retention of existing trees and hedgerows, as appropriate, and the provision of new planting with species which will be of benefit to the Island's biodiversity - will not be approved.</b></p> <p><b>Where new landscaping is not or cannot be provided as an integral element of a development scheme, or where existing trees or hedgerows are to be lost as a result of development and not adequately replaced, the Minister may require landscaping schemes to be carried out in connection with unrelated land or require financial contributions to the Ecology Trust Fund or Countryside Renewal Scheme, through the use of planning obligations.</b></p> <p><b>Applications for proposals affecting trees, hedgerows and woodlands which do not provide sufficient information to enable the likely impact of proposals to be considered, understood and evaluated will not be permitted.</b></p>	
<p><b>Green Zone (NE7)</b></p> <p><b>Green Zone</b></p> <p><b>2.113</b> The concept of the Green Zone is already well established and familiar to Island residents. The vigorous public response, in the Green Paper and Imagine Jersey 2035, to further protect the countryside from development has demonstrated a clear need to review and strengthen the existing countryside policies in order to further protect this important asset. Accordingly, in addition to the introduction of the Coastal National Park, the boundaries of the Green Zone have been extended to include those areas in what was formerly the Countryside Zone, as defined in the 2002 Island Plan.</p>	<p>The site has been identified following an extensive and thorough search applying the sequential test to consider all the alternative options (Chapter 6 of the EIS). The site search followed the clear establishment that a new school was required for delivering secondary education in the west off the island because of the poor state of the existing buildings and its limited size compared to the number of pupils it has to accommodate.</p> <p>Policy NE7 allows for the erection of major public infrastructure, including a secondary school where the need has been demonstrated and relative to the proper assessment alternative options and subject to the environmental implications being identified, avoided or mitigated as far as possible.</p>

**2.114** The areas of the countryside which are outside the Coastal National Park are now defined as Green Zone and includes those areas of the countryside which have an intact character and comprise an important range of environmental features needing a high level of protection. Those areas of the Island's countryside which are largely distinctive, historic, farmed landscapes and coastal plains are also now included within the Green Zone. This interior agricultural landscape covers the greater part of the plateau and part of the coastal plains. It presents a rich background including an attractive and intricate pattern of small fields, enclosures and lanes, an ecologically rich network of hedgerows, verges and banques, many cultural sites and a wealth of typical Jersey granite vernacular buildings. The ridges and skylines of the plateau are particularly sensitive to the visual impact of development.

**2.115** The Green Zone includes a number of distinct character areas and the Minister for Planning and Environment will have regard to the supplementary guidance contained in the Countryside Character Appraisal in determining any development proposals in this area.

**2.116** These areas include:

- **The main escarpments** of St Clement, Grouville, Ouaisné, and St Brelade's Bay
  - C1: Grouville – St Saviour
  - C2: South Coast
- **The wooded valleys** of St Peter's, Waterworks, Bellozanne, Grands Vaux, Vallée des Vaux, Fern and Queen's Valleys, amongst others;
  - D1: Main Interior Valleys
  - D2: Eastern Plateau Valleys
  - D3: St Brelade's Valley
- **The interior agricultural land:** to the north, including
  - E1: North-west Headland (St Ouen)
  - E3: North-east (St Martin)
  - E4: North Coast

**2.117** These areas are designated as Green Zone on the [Proposals Map](#).

The orientation of the building maintains the visual break between the current northern boundary of St Brelade's and the airport. The development does not cause serious harm to landscape character (Chapter 8 of the EIS).

**Map 2.5 Green Zone Areas** ([Popup full image](#))

**2.118** Whilst not as remote and wild in character as the Coastal National Park there will still be a general presumption against any development in the Green Zone in order to retain the quality and distinctiveness of the Island's countryside here and to ensure that the distinct character of the zone remains intact. The quality and distinctiveness of the landscape character areas of the Green Zone still makes them sensitive to the effects of intrusive development whilst having a greater capacity to accept some change.

**2.119** As in the Coastal National Park, however, the Green Zone is even more of a living landscape, containing a greater number and variety of buildings and land uses. Whilst there is a presumption against new uses or buildings that would detract from its landscape character, there may be opportunity to secure the repair and restoration of it through exceptions where the development of existing buildings or land uses provide opportunities to repair or reduce their existing harm to landscape character. Development may also provide opportunities for public access and enjoyment of the countryside.

**2.120** There is also a need to provide for the reasonable expectation of residents to improve their homes and businesses to undertake economic activity and provide employment, having regard to the capacity of the landscape to accommodate development without serious harm.

**2.121** Accordingly, Policy NE7 sets a presumption but not an absolute moratorium against development within the Green Zone: the key test is the capacity of the site and its context to accommodate development without serious harm to landscape character. This is the starting point for the consideration of development proposals. The following categories may, exceptionally, be considered though not all cases will be acceptable.

**Residential**

**2.122** It would be unreasonable to resist all forms of development to improve people's homes. The following forms of development related to residential land use and buildings may be permitted as exceptions to the

presumption against development here, but only where it does not cause serious harm to landscape character:

**Extension of a dwelling**

**2.123** The acceptability of an extension to a dwelling will be determined by its scale, design and impact on landscape character.

**2.124** Each case should be assessed on its merits and, in particular, regard had to the sensitivity of the site, relative to the capacity of the landscape character area to accept change.

**2.125** The purpose will be a material consideration and should not facilitate a significant increase in occupancy. Intensification of domestic use would place more pressure upon a fragile environment, limited infrastructure and services and be likely to increase trip generation. The cumulative enlargement of existing dwellings, and associated increases in resident population and activity, can undermine an area's character as much as new homes: a site's planning history will, therefore, be a material consideration.

**Ancillary buildings**

**2.126** Proposals to develop buildings and structures ancillary to a residential use of land, such as garages and other outbuildings (which are not in the form of extensions to the principal dwelling house) should be considered in the same manner as extensions, where the key test will be the impact upon landscape character. Proposals for the creation of habitable accommodation in detached ancillary buildings will not be supported.

**Redevelopment of existing dwellings and ancillary buildings or structures**

**2.127** The principle of demolition and replacement of existing dwellings is supported only where demonstrable environmental gains can be delivered.

**2.128** Comprehensive proposals of this type can offer the possibility of repairing and restoring landscape character which might be achieved by environmental gains including some or all of: reduced visual scale, mass and volume of a building; more sensitive and sympathetic siting and

design; materials, colours and finishes more sensitive to the character area.

**2.129** Replacement buildings should not facilitate a significant increase in occupancy. Intensification of domestic use would place more pressure upon a fragile environment, limited infrastructure and services and be likely to increase trip generation.

**Creation of new households**

**2.130** The creation of new households by the development of new dwellings or the extension of existing residential properties to provide independent accommodation will generally be resisted in the Green Zone: it is counter to the strategic objectives of the Plan (in relation to sustainable patterns of development; reducing the need to travel; and reducing dependence on the private car), as well as challenging the general presumption against development.

**2.131** In some instances it may, however, be possible to make an exception to permit the extension or conversion of part of a dwelling (such as an integral garage) to provide independent accommodation in the Green Zone for an elderly relative or a relative who requires some degree of care and/or support for their personal well-being and health. This will, however, only be permissible where the accommodation is capable of re-integration into the main dwelling and where any extension or conversion would not seriously harm landscape character. Any exception made in response to such family circumstances will need to be carefully regulated and may be subject to a planning obligation agreement to ensure the ultimate re-integration of the accommodation into the main dwelling.

**2.132** The Green Zone contains most of the Island's working countryside and the only other possible exception to the presumption against the creation of new households here may relate to the provision of staff and key agricultural workers' accommodation, in accordance with Policy H9.

**Extension of domestic curtilage**

**2.133** There is the strongest presumption against extensions of domestic curtilages, which can result in incremental loss and erosion of landscape character to domestication in the countryside.

**Employment land use and buildings**

**2.134** The Green Zone arises from the interaction of human and natural influences: the economic history of the Island, together with political and social influences, has been instrumental in shaping the landscape that we find today. The countryside remains a working environment in many places with uses and buildings performing employment and economic functions.

**2.135** Economic growth and diversification are Plan objectives and Policies SP5, E1 and ERE1 seek to safeguard existing employment land and premises. The following forms of development related to employment land use and buildings may be permitted as exceptions to the presumption against development, but only where it does not cause serious harm to landscape character.

**Extension and intensification of use**

**2.136** The sensitivity of landscape character will be the primary consideration in the assessment of development proposals to extend or intensify existing employment land uses or buildings in the Green Zone, including tourism and agricultural uses. A case will need to be made as to why a coastal or countryside location is required for the proposal, which may require the applicant to set out what alternative locations have been considered.

**2.137** The acceptability of an extension to an employment building will be determined by its scale, design and its impact on landscape character.

**2.138** Each case will be assessed on its merits and, in particular, regard had to the sensitivity of the site, relative to the capacity of the landscape character area to accept change.

**2.139** Any proposal that would intensify an existing employment use will need to be assessed having regard to additional travel and traffic, at a strategic level, and noise and disturbance locally.

**2.140** The cumulative enlargement of existing buildings, and associated increases in activity, can undermine an area's character as much as new buildings: a site's planning history will, therefore, be a material consideration.

**Ancillary employment buildings**

**2.141** Proposals to develop buildings and structures ancillary to an employment use of land, (which are not in the form of extensions to the principal building) should be considered in the same manner as extensions, where the key test will be the impact upon landscape character.

**Redevelopment of existing employment buildings for the same employment use**

**2.142** The principle of redevelopment, involving demolition and replacement, of existing employment buildings for the same employment use is supported where demonstrable environmental gains can be delivered.

**2.143** Comprehensive proposals of this type can offer the possibility of repairing and restoring landscape character, which might be achieved by environmental gains including some or all of: reduced visual scale, mass and volume of a building; more sensitive and sympathetic siting and design; materials, colours and finishes more sensitive to landscape character.

**2.144** Consideration will also need to be given to the intensity of use and impact of travel, traffic and noise upon the character of the area.

**Change of use: conversion to other employment use**

**2.145** The change of use of employment land and buildings (involving conversion of a building), to other employment uses, will need to satisfy the requirements of Policy E1: Protection of employment land in the first instance. A case will also need to be made as to why a coastal or countryside location is required for the proposal, which may require the applicant to set out what alternative locations have been considered.

**2.146** Any proposal that would intensify employment use will need to be assessed having regard to additional travel and traffic, at a strategic level,

and noise and disturbance locally. Any visual implications will also be carefully considered having regard to landscape character.

**Change of use: conversion to residential or other non-employment use**

**2.147** There is a general presumption against the loss of employment land and buildings to residential and other non-employment use. The conversion of modern agricultural buildings and glasshouses to residential or other non-employment uses will not be permitted.

**2.148** New homes and other development in the Green Zone, where the availability of services, amenities and public infrastructure is generally limited does little to contribute towards the attainment of a more sustainable pattern of development. Conversion of an employment building to residential use is, therefore, most unlikely to be permitted.

**2.149** Proposals may, exceptionally, be viewed more favourably where the redundancy of employment use is proven (under the requirements of Policy E1) or where the proposal involves the conversion of offices and tourism accommodation; and where it delivers demonstrable environmental benefits through reduced intensity of use and visual improvement to the building and its setting.

**2.150** Former hotels proposed for residential conversion will be expected to secure significantly reduced intensity of use, since permission is likely to have been granted for hotel use, and/or an expansion of either an original residential or hotel use, on a site where permission for a large extent of residential development would not normally have been countenanced. Sustainability at a strategic level will be a material consideration and require evidence of how this has been assessed, such as a comparison of reliance on public infrastructure and trip generation.

**2.151** Such development would also need to deliver other environmental gains such as: enhanced appearance of the building; materials, colours and finishes more sensitive to the character area; and landscaping to enhance and repair the setting of existing buildings.

**2.152** Careful regard will be given to the visual impacts of any required external space, in particular car parking and amenity areas, on landscape character.



**Redevelopment of existing employment buildings for other employment or non-employment use**

**2.153** The principle of allowing the redevelopment, involving demolition and replacement for alternative uses, including other employment uses, of existing employment buildings is supported where significant environmental gains can be delivered.

**2.154** Such proposals will need to satisfy the requirements of Policy E1: *Protection of employment land* in the first instance, and a case made as to why a coastal or countryside location is required, which may require the applicant to set out what alternative locations have been considered.

**2.155** The Minister acknowledges that managing an exception to a general presumption against any development in the Green Zone is challenging, and that it is important to be clear about the benefits that any such development proposal might bring.

**2.156** Comprehensive development of this type offers the possibility of repairing and restoring landscape character of the area, which might be achieved by environmental gains including some or all of;

1. **a significant reduction in visual mass, scale and volume** - this might be achieved by a reduction in the mass and scale of buildings in the landscape.
2. opportunities may arise **to remove uncharacteristically large buildings** - such as hotels or other tourism related buildings - from the landscape, through their redevelopment and replacement by smaller buildings, more sympathetic to their locality and its landscape.
3. **a significant reduction in intensity of use** - redevelopment for residential use will be permitted only where the residential yield is extremely limited and secures significant reductions in floorspace and/or occupancy;
4. **sustainability** at a strategic level will be a material consideration and require evidence of how this has been assessed, such as a comparison of reliance on public infrastructure and trip generation.

5. **more sensitive and sympathetic siting and design:** there is ample evidence of poorly sited and designed buildings, and additions to buildings, around the Island's coastline; redevelopment offers scope to remedy the existing harm; proposals will be required to reflect principles in the Jersey Design Guide<sup>(20)</sup>, and must, in particular, demonstrate a mindful understanding of context, and be respectful of it, especially within sensitive landscape;
6. **a more sensitive use of materials:** this may be achieved by reflecting the distinctiveness of the character area in the proposal's form, materials and finishes, including colour.

**2.157** Consideration will also be given to the intensity of use and impact of travel, traffic and noise upon the character of the area. Regard will also be had to enhance public access and to address management threats and priorities for that character area.

**2.158** The redevelopment of modern agricultural buildings by demolition and replacement for another use will not be supported, since these would have been permitted to meet agricultural need. If no longer so required they should be removed or re- used for agriculture or employment-related uses. Similarly, the redevelopment of glasshouses will not be permitted.

#### **Cultural and tourism uses**

**2.159** New or extended cultural and tourism development in the Green Zone needs to be sensitive and proportionate to the fragility and vulnerability of its landscape setting. The Countryside Character Appraisal is a valuable tool, identifying development and management threats to character areas and their capacity for change: it can be used to inform decisions on development proposals. Given the presumption against development in the Green Zone any exceptions related to new or extended cultural and tourism attractions must have limited impact on its relevant landscape character area.

**2.160** Examples might include proposals based on the use and enjoyment of environmental and heritage assets, and likely to relate to informal recreation, leisure and tourism. Interpretative facilities and access infrastructure proposals will be considered favourably where designed to

minimise visual impact and having no undue effects on sensitive environmental or heritage assets. Similarly, proposals involving a change of use of land to enable activity-based tourism and leisure pursuits will be considered relative to their impacts upon the sensitivity of environmental and heritage assets, as well as the implications of greater levels of more active use of land for the character of an area.

**2.161** Proposals to extend, intensify or redevelop existing leisure and tourism facilities will be considered as with any other employment use.

**2.162** Leisure and tourism activities can also generate a requirement for ancillary services and buildings. New leisure and tourism buildings are unlikely to be favourably considered other than possibly small scale buildings or structures such as kiosks. The visual implications, infrastructure requirements and effect on the locality's intensity of the use will require careful consideration relative to the sensitivity of the landscape character. It is unlikely that they will be favourably considered where highly visible and/or unshielded by landscaping or where there are no nearby existing formal car parking and/or toilet facilities.

**Minor development**

**2.163** Development of a minor scale that is ancillary to a primary use of land could adversely affect the qualities of the Green Zone depending on the sensitivity of the landscape. Small scale proposals, that are incidental to the primary use of land and buildings and outside the scope of existing permitted development rights will only be permissible in the Green Zone where they are well designed and sited and their impact does not seriously harm landscape character.

**Managed open spaces**

**2.164** Managed open spaces, such as playing fields, other amenity spaces, cemeteries and allotments, can have a limited impact upon the character of the countryside. Their provision will be considered in terms of impact upon landscape character and other policies of the Plan, such as SCO5 and SCO6.

**Strategic development**

**2.165** There may emerge, during the remainder of the Plan period, strategic development proposals of Island-wide significance related to the generation of utility-scale renewable energy; the extraction of minerals; or the provision of elements of significant public infrastructure, such as a new secondary school in the Green Zone.

**2.166** Any such development will likely need to be considered within the context of a full and thorough Environmental Impact Assessment to ensure that: the need is proven; alternatives have been properly identified and considered; and that environmental implications for the Green Zone are properly identified, avoided and/or mitigated as far as possible.

**2.167** In accord with the Plan's sequential approach to development, consideration of alternative less environmentally sensitive locations will need to have been properly considered.

#### **Policy NE 7**

##### **Green Zone**

**The Green Zone, as designated on the Proposals Map, will be given a high level of protection from development and there will be a general presumption against all forms of development, including but not limited to:**

- **the development of a new dwelling (other than as a replacement under 3 and 10; the provision of new, under 4; or conversion under 9, below);**
- **facilitating a separate household by means of an extension, conversion or new build (other than to meet changing family circumstances under 1c below);**
- **the change of use of land to extend a domestic curtilage;**
- **redevelopment of modern agricultural building(s) involving demolition and replacement with a building(s) for another use, or their conversion to a non-employment use;**

- redevelopment of glasshouse(s) involving demolition and replacement with a building(s) or conversion for another use, or their conversion to a non-employment use.

Only the following exceptions may be permissible, and only where they do not cause serious harm to landscape character:

**Residential**

1. the extension of a dwelling, but only where;
  - a. its design is appropriate relative to existing buildings and its context;
  - b. it does not facilitate significant increased occupancy; and
  - c. in the case of an extension or the conversion of part of an existing dwelling that would lead to the creation of a separate household:
    - i. the accommodation is for an elderly relative or a relative who requires a degree of care and/or support for their health and well-being;
    - ii. the new accommodation is capable of re-integration into the principal dwelling; and
    - iii. it is designed to lifetime home standards, and
  - d. it does not seriously harm landscape character.
2. the development of an ancillary building and/or structure, but only where;
  - a. it is modest and is proportionate to other buildings on the site;
  - b. it is well sited and designed, relative to other buildings, the context, size, material, colour and form; and
  - c. it does not seriously harm landscape character.
3. the redevelopment of an existing dwelling and/or an existing ancillary residential building and/or structure, involving demolition and replacement, but only where the proposal would;
  - a. not facilitate a significant increase in occupancy; and
  - b. give rise to demonstrable environmental gains, contributing to the repair and restoration of landscape character.
4. the development of staff and key agricultural worker accommodation, but only where the proposal would;
  - a. accord with Policy H9: staff and key agricultural worker accommodation; and

**b. not cause serious harm to the landscape character of the area.**

**Employment**

**5. the extension and/or intensification of use of existing employment buildings and land, but only where, having regard to the planning history of the site;**

**a. the requirement for a coastal or countryside location can be adequately justified;**

**b. an extension, well related to the existing building in design and scale;**

**c. an intensification does not create undue noise, disturbance or a significant increase in travel and trip generation; and**

**d. it does not cause serious harm to landscape character.**

**6. the development of an ancillary building and/or structure, but only where;**

**a. it is modest and is proportionate to other buildings on the site;**

**b. it is well sited and designed, relative to other buildings, the context, size, material, colour and form; and**

**c. it does not cause serious harm to landscape character.**

**7. the redevelopment of an employment building(s), involving demolition and replacement for the same use, but only where;**

**a. an intensification does not create undue noise, disturbance or a significant increase in travel and trip generation; and**

**b. it gives rise to demonstrable environmental gains, contributing to the repair and restoration of landscape character.**

**8. the change of use of employment land and buildings (involving conversion of a building), to other employment uses, but only where:**

**a. it would accord with Policy E1: Protection of employment land;**

**b. the requirement for a coastal or countryside location can be adequately justified;**

**c. in the case of an intensification of use, it does not create undue noise, disturbance or a significant increase in travel and trip generation; and**

**d. it does not cause serious harm to landscape character.**

**9. the change of use of employment land and buildings (involving conversion of a building) to non-employment uses but only where:**

- a. the redundancy of employment use is proven in accord with Policy E1: Protection of employment land or where the development involves office or tourism accommodation; and**
- b. it gives rise to: demonstrable environmental gains, contributing to the repair and restoration of landscape character; reduced intensity of occupation and use; and improved design and appearance of the land and building(s); or**
- c. it secures a viable alternative use for a traditional farm building in accord with Policy ERE4.**

**10. the redevelopment of an employment building(s), involving demolition and replacement for another use, but only where:**

- a. the redundancy of employment use is proven in accord with Policy E1: Protection of employment land or where the development involves office or tourism accommodation;**
- b. and it gives rise to: demonstrable environmental gains, contributing to the repair and restoration of landscape character; reduced intensity of occupation and use; and improved design and appearance of the land and building(s).**

**11. new cultural and tourism development, but only where it:**

- a. is appropriate relative to existing buildings and its landscape context; and**
- b. does not seriously harm landscape character.**

**Minor development**

**12. Development small in scale and incidental to the primary use of land and buildings, but only where it:**

- a. is well sited and designed, having regard to the relationship with existing buildings, landscape context, size, material, colour and form; and**
- b. does not cause serious harm to landscape character.**

**Managed open space**

<p><b>13. Development of managed open space, such as allotments, playing fields, other amenity green spaces and cemeteries where it does not cause serious harm to the landscape character of the area.</b>  <b>Strategic development</b></p> <p><b>14. Where it is demonstrated to satisfy a proven Island need, relative to the proper assessment of alternative options, strategic development related to renewable energy production; extraction of minerals or other elements of significant public infrastructure, such as a new secondary school, but only where:</b></p> <ul style="list-style-type: none"> <li><b>a. its environmental implications are properly identified, avoided and/or mitigated as far as possible; and it accords with</b></li> <li><b>b. Policy NR 6: On-shore renewable energy proposals; or</b></li> <li><b>c. Policy MR3: New or extended mineral workings.</b></li> </ul>	
<p><b>Historic Environment</b></p>	
<p><b>Archaeology (HE3)</b></p> <p><b>3.38</b> Archaeological remains are irreplaceable. They are evidence of the past development of our Island’s civilisation and, for prehistoric periods, the only evidence.</p> <p><b>3.39</b> Archaeological remains should be seen as a finite and non-renewable resource, in many cases highly fragile and vulnerable to damage and destruction. Appropriate protection and management is, therefore, essential to ensure that they survive in good condition. In particular, care must be taken to ensure that archaeological remains are not needlessly or thoughtlessly destroyed. They can contain irreplaceable information about our past and the potential for an increase in future knowledge. They are part of our sense of identity and are valuable both for their own sake and for their role in education, leisure and tourism.</p> <p><b>3.40</b> The European Convention on the Protection of the Archaeological Heritage (the Valetta Convention 1992 (revised)) was extended to Jersey in September 2000. Its principal purpose is to protect the archaeological</p>	<p>A desktop survey of the site has not identified any likely features of archaeological importance on the site. However there is always the potential for this situation to change when development commences and archaeological features may be uncovered. As such the intention for appropriate pre-construction intrusive investigations are proposed followed by a watching brief approach during the main period of construction.</p> <p>This approach constitutes an appropriate and proportionate approach to safeguarding any archaeological features which may be present on the site (Chapter 12) and has been confirmed by the comments of the Historic Environment Team.</p>



heritage as a source of European collective memory and as an instrument for historical and scientific study. The basis of its operation is the maintenance of an inventory of archaeological heritage and the designation of protected monuments and areas. Other articles of the Convention place obligations upon the Island relating to the need to ensure that planning policies provide for the protection, conservation and enhancement of archaeological sites (Article 5).

**Archaeology and the planning process**

**3.41** Identifying and defining archaeological remains, sites and areas through the planning system can ensure that the case for the preservation of archaeology is fully considered when proposals for development or other work might damage the asset. The key to informed and reasonable planning decisions is for consideration to be given to the question of whether archaeological remains exist on a site before formal planning applications are made. This is applicable to archaeology above and below the ground and water of the Island's landmass, offshore reefs and territorial waters, and within the fabric of its buildings.

**3.42** Where important archaeological remains and their settings, whether formally protected or not, are affected by proposed development there should be a presumption in favour of their physical preservation. Cases involving archaeological remains of lesser importance will not always be so clear-cut and the Minister for Planning and Environment will need to weigh the relative importance of archaeology against other factors including the need for and the wider community benefits of the proposed development. Positive planning and management can help to bring about sensible solutions to the treatment of sites with archaeological remains and reduce the areas of potential conflict between development and preservation.

**3.43** If physical preservation *in situ* is not feasible, a carefully specified archaeological excavation for the purposes of 'preservation by record', may be an acceptable alternative: this should be regarded as a second best option. The science of archaeology is developing rapidly. Excavation means the total destruction of evidence (apart from removable artefacts)

from which future techniques could almost certainly extract more information than is currently possible. Excavation is also expensive and time-consuming, and discoveries may have to be evaluated in a hurry against an inadequate research framework. The preservation *in situ* of important archaeological remains is, therefore, nearly always to be preferred.

**Protecting archaeology**

**3.44** The desirability of preserving archaeological remains, based on the presumption in favour of their preservation *in situ*, and their setting, where appropriate, is a material consideration in the determination of planning applications. But the conservation of our historic environment is not about preventing change, but managing change through decisions that are informed by understanding the cultural values that would be affected. The Minister for Planning and Environment recognises that the extent to which remains can or should be preserved will depend upon a number of factors, including the intrinsic importance of the remains.

**3.45** The case for the preservation of archaeological remains will be assessed on the individual merits of each case, taking into account planning policies for the preservation of archaeological resources, together with all other relevant material considerations, including the intrinsic importance of the remains and weighing these against the need for and community benefit of the proposed development.

**3.46** The Minister for Planning and Environment will require an archaeological evaluation to be carried out, to be paid for and provided by the developer, for development proposals which may affect archaeological remains: this information will be required as an integral part of the planning application in order to understand the archaeology and the potential impact of the development proposals upon it. The nature of archaeological evaluation may vary depending upon the archaeological sensitivity and importance of the site and the extent of existing information. Any archaeological evaluation must provide sufficient information to enable the Minister for Planning and Environment to make an informed planning decision having regard to the value of the

archaeological remains and the likely impact of the proposed development.

**3.47** Where the physical preservation of archaeological remains *in situ* is not justified, appropriate and satisfactory provision for the excavation and recording of the remains will be required.

**3.48** Conditions to protect archaeological remains during construction, to ensure that reasonable access is given to hold a "watching brief" during the construction period, or to carry out archaeological investigation and recording in the course of the permitted operations on site may also be required in respect of development proposals affecting sites of archaeological interest.

**3.49** The full cost of engaging appropriate professional archaeological resources to undertake any evaluation, excavation, investigation and recording, where development proposals affect archaeological resources, will be borne by the developer. Similarly, the publication of findings and the treatment and deposition of finds will be matters to be funded by the developer, and the Minister will seek to employ planning conditions and/or planning obligation agreements to ensure that appropriate provision is made for such.

#### **Policy HE 5**

##### **Preservation of archaeological resources**

**The Minister for Planning and Environment will require an archaeological evaluation to be carried out, to be provided and paid for by the developer, for works which may affect archaeological resources: this information will be required as an integral part of an application. The form of the evaluation will be dependent upon the nature of the archaeological resource and the development proposal and may involve more than one phase of evaluation and investigation depending upon the outcome of initial investigations and the significance and nature of the archaeology.**

**Planning applications for development proposals which do not provide sufficient information to enable the value of archaeological remains and**

<p>the likely impact of the proposed development to be determined, will be refused.</p> <p>There will be a presumption in favour of the physical preservation <i>in situ</i> of archaeological resources and their settings.</p> <p>Development which would involve significant alteration or cause damage, or which would have a significant impact on archaeological resources and the setting of visible archaeological resources, will only be permitted where the Minister for Planning and Environment is satisfied that the intrinsic importance of the resource is outweighed by other material considerations, including the need for and community benefit of the development.</p> <p>Where it is determined that the physical preservation of archaeological resources <i>in situ</i> is not justified, the Minister will ensure, through the use of planning obligation agreements and/or planning conditions, that appropriate provision for; the excavation and recording of the resources; the publication of the findings; and in some cases, the treatment and deposition of finds, is made and funded by the developer.</p>	
<h2>Transport</h2>	
<p><b>Road safety (TT5)</b></p> <p><b>8.67</b> Although road injuries have reduced significantly since the 1970s, there are still around 350 injuries on Jersey’s road each year. There is also the potential that transport initiatives, such as those promoted by the Island Plan, together with those sponsored by other States of Jersey initiatives, such as the Sustainable Transport Policy (2010) and <i>Health for Life</i>, will encourage more people to travel on foot and by bike. Pedestrians and cyclists are the most vulnerable road users and road safety will need to be improved through better design of roads, junctions and pedestrian and cyclist facilities; road safety enforcement; and education.</p>	<p>A Transport Assessment (TA) of the proposal has considered how and where there may be implications for movement of people and vehicles on and around the site. (Chapter 10).</p> <p>The conclusion of the TA is that the project as proposed will not have any deleterious effect on movement on and around the site for pedestrians and vehicles.</p> <p>Many of the pupils of the school currently arrive at or leave from the school on foot. Given that the school base is not moving any significant distance from the existing site it is reasonable to assume this pattern of travel will persist with the new school. The design of the internal spaces on the site, the presence of existing footpaths and cycleways and their</p>

<p><b>8.68</b> The pedestrian environment of the Island will be improved by the continued introduction of speed reduction measures, particularly adjacent to schools. Island Plan policies, including the requirement of developers to include measures to reduce vehicle speeds and consider the safety of pedestrians and cyclists, aim to support the implementation of highway measures, to reduce traffic speeds and accidents to contribute towards the objective of improving road safety, and to make cycling and walking more attractive.</p> <p><b>8.69</b> In new residential areas, it is essential that development be planned to ensure that vehicle movements do not dominate the public realm. This means that a holistic approach must be adopted to ensure that all aspects of the design reinforce low vehicle speeds, cycle safety and pedestrian priority.</p> <p><b>Policy TT 5</b>  <b>Road safety</b>  <b>Where appropriate, traffic and pedestrian safety measures, including improved pedestrian crossing facilities, will be implemented on the highway network, particularly in residential areas, and near schools, to improve road safety for pedestrians and cyclists, reduce vehicle speeds and enhance the street environment.</b>  <b>In new residential developments, all new road layouts should be designed to reinforce low vehicle speeds, cycle safety and pedestrian priority.</b></p>	<p>integration into the engineering solutions for access to the site will all mean that pedestrian movement will be safeguarded and encouraged. A new 20mph speed limit close to the school will improve the highway environment in regard to highway safety.</p> <p>There will be minor re-alignment of Rue Carre along the northern boundary of the site which will standardise the width of the highway and not have any highway safety implications. .</p>
<p><b>Access to public transport (TT8)</b>  <b>8.82</b> The frequency of public transport provision as an alternative to the car is one of the key quality requirements if reliance upon the car is to be reduced. Major new developments of housing or employment-related land uses, which cannot be located close to an existing regular or high frequency bus service, or which have no prospect of sustaining one in the future will, therefore, be considered unacceptable. This is consistent with the agreed methodology employed in Island Plan <a href="#">Policy SP 1 'Spatial</a></p>	<p>The school is currently well served by dedicated bus services for pupils. This will continue with the service responding to changes in travel patterns as appropriate.</p> <p>The scheme provides significant discreet servicing areas for busses on the site allowing safe and efficient drop-off and pick-up of pupils. Provision for the number of buses on the site exceeds the existing level of service.</p>

[strategy](#) and in the identification of sites for housing and employment land.

**8.83** Through the use of planning obligation agreements, developers will be required to fund an appropriate level of public transport service, where this is not already available, to ensure that from the time the very first units are occupied, people have a viable and realistic alternative to the car. The adequacy of a service, with regard to its frequency and hours of operation, will need to be the subject of consideration with the Transport and Technical Services Department, which seeks to ensure the provision of the Island's bus service.

**8.84** In order to ensure that the service becomes commercially viable, such support must continue for at least two years after the development is substantially completed. It is anticipated that, as patronage grows, the revenue support required will substantially diminish.

**8.85** To accord with the requirements for enhanced road safety, it is essential that developers incorporate public transport requirements relating to all stages of the journey taken by bus (walking, waiting, bus journey) as an integral part of major new development. In particular, the walking stage must pay attention to directness, safety (road and personal) and convenience. The location of the stop must be obvious, well signed and comfortable in terms of the waiting environment and perceptions of safety.

#### **Policy TT 8**

##### **Access to public transport**

**All development of 10 units of residential accommodation and employment-related land uses with floorspace of over 250 sqm (for office use) and 500 sqm (for retail use) and where other development proposals are likely to lead to a significant movement of people into and out of a site, should be within 400 metres of a bus service.**

**Where the provision of a bus service is not available, or where the frequency of service is considered to be too low relative to the scale and/or nature of the development proposals, the developer will be**

The scheme provides appropriate infrastructure for the continuing service of the school by buses and is located adjacent to the 15 bus route – which runs every 15 minutes from St Helier to the airport – and the 22 bus route.

<p>expected to support the provision of an appropriate public transport service.</p> <p>Site layouts should provide appropriate infrastructure to support public transport and bus use including the provision of direct, safe and convenient access to bus stops, and the provision of bus shelters and any associated infrastructure in accord with <a href="#">Policy GD 4 'Planning obligations'</a>.</p>	
<p><b>Travel Plans (TT9)</b></p> <p><b>8.86</b> Travel behaviour can be influenced by travel choice. Travel plans are documents which set out a range of objectives and measures designed to increase the travel choice available to people in a variety of situations – at home, at work and at school. There is no standard format or content for travel plans, and they may have a variety of names (such as green transport plans, company travel plans and school travel plans). However, their relevance to planning lies in the delivery of sustainable transport objectives, including;</p> <ol style="list-style-type: none"> <li>1. reductions in car usage (particularly single occupancy journeys) and increased use of public transport, walking and cycling,</li> <li>2. reduced traffic speeds and improved road safety and personal security particularly for pedestrians and cyclists; and</li> <li>3. more environmentally friendly delivery and freight movements, including home delivery services.</li> </ol> <p><b>8.87</b> The States of Jersey wants to help raise awareness of the impacts of travel decisions and promote the widespread use of travel plans amongst businesses, schools, and other organisations and to set an example by adopting travel plans for States departments.</p> <p><b>8.88</b> The Minister for Planning and Environment considers that travel plans should be submitted alongside planning applications which are likely to have significant transport implications, including:</p> <ol style="list-style-type: none"> <li>1. residential development with more than 50 units of accommodation;</li> </ol>	<p>A Travel Plan has been agreed by the school in relation to the anticipated opening date of the development (Chapter 10 &amp; Appendix XIV)</p>

2. other developments comprising jobs, shopping, leisure and services which would generate significant amounts of travel. This particularly applies to office (over 2,500 sqm) and retail (over 800 sqm) developments;
3. new and expanded school facilities which should be accompanied by a school travel plan; and
4. where a travel plan would help to address a particular local traffic problem associated with a planning application, which might otherwise have to be refused on local traffic grounds.

**8.89** Where travel plans are to be submitted alongside a planning application, they should have measurable outputs and should set out the arrangements for monitoring the progress of the plan, as well as the arrangements for enforcement, in the event that agreed objectives are not met. This could include the agreement of sanctions if the targets are not met (which includes the lack of monitoring). Examples of sanctions might include the introduction of parking charges for staff. The most important part of the travel plans is that they are realistic and are capable of being monitored on an annual basis and corrective action sought where appropriate: subject to the availability of resources, the Transport and Technical Services Department will assess and monitor Travel Plans associated with the planning process.

**8.90** The weight to be given to a travel plan in a planning decision will be influenced by the extent to which it materially affects the acceptability of the development proposed and the degree to which it can be lawfully secured. Under certain circumstances, some or all of a travel plan may be made binding either through conditions attached to a planning permission or through a related planning obligation. Conditions attached to a planning permission will be enforceable against any developer who implements that permission and any subsequent occupiers of the property. Planning obligations will be enforceable against the person who entered into the obligation and any person deriving title from that person. Unacceptable development should, however, never be permitted because of the existence of a travel plan.



<p><b>Policy TT 9</b>  <b>Travel plans</b>  <b>Residential development with more than 50 units of accommodation, or developments which would generate significant amounts of travel, will be required to submit a travel plan including, modal split targets, time-scales, measures and sanctions to be taken to meet these targets as well as measures to monitor the effectiveness of the plan.</b>  <b>The travel plan will be agreed in consultation with the Transport and Technical Services Department and information must be provided about the progress of the plan on a yearly basis. Contributions through planning obligation agreements will be secured to improve transport infrastructure and services, where appropriate.</b></p>	
<p><b>Natural Resources</b></p>	
<p><b>Renewable energy in new developments (NR7)</b>  <b>9.56</b> Energy use in buildings is responsible for a large proportion of the fuel consumed in Jersey and the energy burnt in heating systems is responsible for a major part of the Island’s carbon dioxide (CO2) emissions.  <b>9.57</b> The amount of energy used in buildings and the level of CO2 produced is dependent on the building’s energy efficiency, which is determined by its design, and on the appliances used in the building to provide heat, energy and other services. Consequently, as part of delivering sustainable development, and in response to the challenge of climate change and the goals of the emerging Energy Policy, the Minister wishes to encourage all new buildings to:</p> <ul style="list-style-type: none"> <li>• be designed and constructed to high standards of energy efficiency; and</li> </ul>	<p>The building is anticipated to be able to achieve BREEAM ‘Very Good’.  This assessment reflects the fact that the scheme includes the provision of energy efficient heating and cooling of the building beyond the requirements of the Building Bye-Laws.  The proposal also includes the provision of a significant array of PV cells on the south facing roof slope of the building that will generate electricity for use in the building resulting in a significantly lower energy requirement than would otherwise be required.</p>

- incorporate suitable renewable energy technologies, where reasonably feasible.

**9.58** To this end, policies SP2 'Efficient Use of Resources' and GD1 'General Development Considerations', effectively require new developments to make the most efficient and effective use of energy and to make good use of opportunities for decentralised and renewable or low carbon energy. In preparing their proposals to maximise energy efficiency, designers and developers can give consideration to a range of measures and techniques, including: passive solar design; properly designed natural daylighting systems; the inclusion of thermal mass; compact building forms; good levels of insulation; and the use of energy efficiency heating systems and appliances.

**9.59** Having achieved energy efficiencies, designers and developers need to consider the opportunities for using on-site low carbon and renewable energy technologies. The Minister expects all major new developments (>10 homes / 1,000m<sup>2</sup> floorspace), whether new build or conversion, to use on-site low carbon or renewable energy to cut CO<sub>2</sub> emissions by at least 10% of predicted levels, wherever practicable. This 10% carbon offset must be on top of, rather than a contribution to, meeting the requirements of the Building Byelaws for energy efficiency.

**9.60** It is considered that a 10% threshold for the carbon offset policy sets a reasonable standard for achievement and this reflects good practice in the UK. Merton Council was the first to develop such a policy in 2003, which subsequently became known as the 'Merton Rule'. Since then, many UK councils have implemented the rule in various guises and it has become part of UK national planning guidance. It is recognised, however, that there may be circumstances where it would be appropriate to relax or waive the threshold. For example, where it is demonstrated by the applicant that the incorporation of renewable energy equipment would make the development unviable, or where adverse visual or amenity impacts would outweigh the benefits of the technology.

**9.61** In addition to helping to reduce local reliance on finite fossil fuel energy sources, reducing CO<sub>2</sub> emissions and providing revenue benefits

for subsequent users, the renewables requirement will also provide a greater incentive for developers to design and build more energy efficient buildings (i.e. to reduce the extent and cost of renewable technology required to meet the 10% CO2 emissions target).

**9.62** There is a range of renewable and low-carbon energy technology which might be used in new developments, including: solar photovoltaic panels (PV); small-scale wind power; combined heat, power and cooling; solar thermal water heating; ground source heating and cooling; air source heat pumps; biomass fuelled heating, cooling and electricity generating plant; and hydrogen fuel cells.

**9.63** In order to demonstrate the extent of the cut in energy demand and carbon emissions expected through the use of low carbon and renewable technology, applicants must provide evidence in the form of a 'Renewable Energy Statement' prepared by a suitably qualified professional. The Minister will publish supplementary guidance on renewable energy matters in due course.

#### **Policy NR 7**

##### **Renewable energy in new developments**

**The Minister for Planning and Environment will encourage all developments to incorporate on-site low carbon or renewable energy technologies. However, all non-residential developments with a gross floorspace of 1,000 sqm or more and residential developments of ten or more units, whether new build or conversion, will be required to incorporate on-site low carbon or renewable energy production equipment to off-set predicted carbon emissions by at least 10%, except where:**

- 1. it is demonstrated by the applicant, to the satisfaction of the Minister for Planning and Environment, that such provision would make the development unviable;**
- 2. it would have an adverse visual or amenity impact that would outweigh the benefits of the technology; or**
- 3. at least an equivalent impact on carbon emissions can be met by alternative means.**

<b>Waste Management</b>	
<p><b>Waste minimisation and new development</b></p> <p><b>11.18</b> The plan objectives to minimise the waste generated as part of construction activity and to make the best use of the waste that is produced (i.e. through recycling) are fully in accordance with the principles of sustainable waste management. Waste minimisation is the most important element of sustainable waste management because it:</p> <ul style="list-style-type: none"> <li>• reduces the amount of waste generated in the first place, which must then be managed;</li> <li>• reduces the potential pollution from waste disposal activities; and</li> <li>• brings significant savings in raw material and waste disposal costs.</li> </ul> <p><b>11.19</b> The potential benefits of waste minimisation are especially significant in Jersey, given the proportion of landfilled wastes currently derived from construction activities. Between the years 2005 to 2010, the annual landfilled wastes have variously comprised 64% to 84% of the Island’s inert waste for disposal and since 1996, the major route for disposal of has been to the land reclamation site at La Collette. Reducing this type of waste would, therefore, increase the lifespan of the La Collette site and reduce the pressures associated with finding alternative landfill sites and with illegal disposal of waste.</p> <p><b>11.20</b> In view of the above, the Minister for Planning and Environment is keen to ensure waste minimisation in the development process, to encourage the re-use and recycling of materials and so reduce the need for disposal. To this end, it will be a requirement for developers of major schemes (i.e. including developments of 10 or more dwellings, or with a floorspace of more than 1000m<sup>2</sup>, or where the development is on a site of more than 1 hectare) and/or other developments which generate a large amount of waste material during construction, to prepare and implement ‘Site Waste Management Plans’. These are tools for</p>	<p>The project will inevitably generate waste however with planning and careful management of resources this waste should be able to be minimized. Planning and careful management will also significantly reduce the likelihood of any pollution incidents arising from waste from the project.</p> <p>The production and maintenance of a Waste Management Plan prior to the development commencing will facilitate this planning and management of resources makes significant mitigation on the potential effects of waste generation on the site. This approach accords with the consultation response received from the Environmental Protection Team.</p>

minimising and managing waste on-site and should initially be prepared by the applicant at the site design/application stage, for approval before construction work begins. The initial draft should:

- identify the quantity of each type of waste material likely to be generated by the development;
- set out the steps taken to minimise wastes arising on the site;
- lay down procedures/commitments to sort, reuse and recycle construction waste so as to maximise the recovery of resources either on-site or through licensed contractors;
- address measures to secure the most appropriate means of disposal; and
- set down waste management actions and estimated targets for each type of waste produced.

**11.21** In order to ensure compliance with the approved 'Site Waste Management Plan' and to prevent the potential for illegal waste activity, it will be a requirement that each plan be treated as a 'living' document. It will be the responsibility of the developer, or an appointed principle contractor to demonstrate how the approved 'Site Waste Management Plan' is being implemented and to update the Plan as construction progresses. All waste transactions (involving disposal, re-use, recycling or recovery of waste), should be accurately and clearly recorded or referenced in the Plan, to show evidence of deliveries etc and allow performance to be compared with waste management estimates in the approved draft. As such, the Plan will evolve into a log of all waste paperwork in one document and will always give a current picture of how work is progressing against the waste estimates. This evolving Plan/log must be kept somewhere accessible on the site and will allow for periodic checks and audits by the developer and officials carrying out compliance checks, to help ensure effective implementation. It will also provide the basis for reviewing and revising the Plan, when and if necessary. On completion of the project, the completed Plan (with records of all waste management actions) should be subject to a final review and reconciled

against what was initially planned for. At this stage, the Minister for Planning and Environment should be provided with:

- evidence confirming that the Plan has been monitored on a regular basis throughout the project to ensure progress in accordance with the Plan; and
- an explanation of any differences between the first initial draft Plan and actual performance (i.e. where and why initial forecasts were exceeded or missed); and
- the reason for any revision/s to the initial Plan.

**11.22** In view of current constraints on staff resources, the level of scrutiny of 'Site Waste Management Plans' will generally be light touch and involve the minimum frequency of officer site visits during construction, sufficient to ensure that the plans are in place and being implemented. However, officer checks may be at increased levels where:

- there are proposals for large-scale waste management activity;
- progress against the Plan is not being properly evidenced and documented;
- irregularities have been identified;
- planning controls associated with the plans (e.g. conditions imposed on planning permissions) are being breached; and
- compliance issues and/or illegal waste movements are suspected.

**11.23** In most instances, where it becomes clear from checks on waste documentation that planning controls associated with 'Site Waste Management Plans' are being breached, the developer will be asked to agree and implement remedial steps to resolve the breach. However, in cases where developers or responsible contractors have intentionally not complied with 'Site Waste Management Plans', or have not taken required remedial action within the given timescale, consideration will be given to formal enforcement action, including pursuing prosecutions where deemed necessary.

**11.24** To assist with this process for those carrying out construction work and for officials monitoring compliance with 'Site Waste Management Plans', the Minister for Planning and Environment will prepare

supplementary guidance, including a sample template of information requirements at the design/application stage, construction phase and post-completion. The measures contained in 'Site Waste Management Plans' may also be secured through planning conditions and obligations, as appropriate.

**Proposal 32**

**Waste minimisation and new development**

The Minister will publish supplementary guidance on 'Site Waste Management Plans' to provide additional advice and assist with development control considerations.

**11.25** In the first instance, developers should always give consideration to the opportunities for on-site management of waste where it arises. Good site practice and management of resources can significantly reduce wastage in construction and opportunities already exist for many major developments to make use of recycled building materials to varying degrees for infilling in connection with land preparation, landscaping and land restoration; the construction of roads, pavements and car parks; and the replacement of primary aggregates in some building materials (e.g. concrete). It is also likely that, in future, technical standards and specifications will continue to change, to allow for the greater use of recycled materials in the construction process, with no appreciable loss of performance.

**11.26** The Minister will normally only support major developments where effective measures are put in place to minimise waste production and optimise waste recycling during construction. This will present particular challenges for certain types of development, for example those proposing basement car parks, which involve the generation of large amounts of waste material. In such circumstances, it may be necessary to pursue a different design solution, if a sufficient proportion of the waste material generated cannot be recycled, re-used or recovered.

**Policy WM 1**

**Waste minimisation and new development**

In considering proposals for new development and in accordance with the principles of sustainable development, the Minister for Planning and Environment will encourage the minimisation of waste generated as part of construction activity and an increase in the recycling, re-use and recovery of resources.

The Minister will only permit major new developments and/or developments which would involve the demolition of major structures or the potential generation of significant quantities of waste material (including developments of 10 or more dwellings, or with a floorspace of more than 1000m<sup>2</sup>, or where the development is on a site of more than 1 hectare), where:

- measures are taken to minimise the wastes arising and to recycle, re-use and recover as much as possible of the generated waste materials; and
- opportunities are taken to maximise on-site management of waste.

Where inert waste generated in these developments cannot be re-used on the site, it should, as far as possible, be diverted for recycling with a licensed contractor and only the residual unusable material should be disposed of to landfill.

The Minister will require a 'Site Waste Management Plan' to be submitted with all planning applications for these developments, setting out the steps to be taken to minimise and manage waste generation both on and off the site during construction. The measures contained in the 'Site Waste Management Plan' shall be approved by or on behalf of the Minister and may be secured by planning conditions and obligations, where appropriate. Where such plans are not acceptable, permission will not be granted.

'Site Waste Management Plans' should be continually evolving plans, which are implemented and updated by the developer or an appointed contractor throughout the construction phase. All waste transactions shall be accurately and clearly recorded in the Plan to maintain a



<p>continuously up-to-date record of how work is progressing in comparison with waste management estimates.</p> <p>On completion of the development, the developer must make available the final version of the Plan for review and provide the Minister with:</p> <ul style="list-style-type: none"> <li>• evidence that the Plan has been satisfactorily monitored;</li> <li>• the reasons for any revisions made to the Plan; and</li> <li>• an explanation of the differences between the initially approved Plan and actual performance.</li> </ul> <p>Where planning controls associated with approved 'Site Waste Management Plans' are being breached, the developer will be asked to agree and implement remedial steps to resolve the breach.</p> <p>The Minister will consider formal enforcement action where developers or responsible contractors have:</p> <ul style="list-style-type: none"> <li>• intentionally not complied with a 'Site Waste Management Plan', or</li> <li>• not taken required remedial action within the given time-frame.</li> </ul>	
<p><b>Foul sewerage facilities (LWM2)</b></p> <p><b>11.118</b> The availability of foul sewerage infrastructure and the suitability of proposed foul water systems are material considerations in dealing with planning applications and the Minister for Planning and Environment, in consultation with the Minister for Transport and Technical Services, will need to be satisfied that the foul sewerage arrangements are satisfactory.</p> <p><b>11.119</b> The Minister for Transport and Technical Services has been charged with the responsibility for extending the foul sewerage system to as many areas of the Island as practicable, economic and environmentally viable. Currently some 86% of Island properties are connected to the foul system. Plans for future development and renewal of this system are presently being drawn up as part of the emerging 'Liquid Waste Strategy', which should ensure adequate capacity in the foul sewerage system for the foreseeable future, subject to funding. Notwithstanding this, there remain a large number of properties, predominantly in the rural areas,</p>	<p>The new school will connect to the existing sewerage system which has sufficient capacity to accommodate the development (Chapter 16).</p>

that are not connected to a foul sewer. These rely on a variety of techniques, including septic tanks and soakaways, tight tanks and private sewage treatment plants.

**11.120** New developments which rely on such techniques may, either individually or cumulatively, increase the risk of pollution to the water environment, due to overloading, poor maintenance, inadequate soakaways, irregular emptying of sludge and the limited effective life of such systems. Given the potential hazards associated with such systems, the primary aim is to ensure that most new development is connected to the Island's public sewerage systems. Responsibility for the cost of making a connection and/or providing increased capacity in the public sewers and pumping stations, will be the applicant's, and this may be the subject of a legal agreement.

**11.121** Where connection to the foul sewerage system is not economically feasible, the Minister may be prepared to consider a private packaged treatment plant incorporating a combination of processes which offers full treatment of sewage effluent. However, proposals for adequate primary and secondary treatment and maintenance of the system will need to be clearly demonstrated.

**11.122** The use of tight tanks may be considered in exceptional circumstances, where mains sewerage or packaged treatment plants are not feasible options.

**11.123** In determining the suitability of any of the above techniques, the Minister will aim to satisfy himself that the proposal is acceptable in the long-term, on the basis of:

- Information provided by the developer, which should include a statement as to why a connection to the public sewer is not economically feasible;
- Comments provided by appropriate bodies and consultees, including the requirements of the Minister for Transport and Technical Services; and
- Planning and Building Law considerations.

**11.124** Planning permission will be refused for development, where the physical arrangements proposed for on-site sewage treatment are unsatisfactory, or where a 'Discharge Permit' would not be forthcoming due to pollution risks. Furthermore, temporary measures, where the intention is to connect to the sewerage systems at a later date will not normally be granted, if the short-term proposals are likely to give rise to adverse environmental, amenity or public health problems.

**Policy LWM 2**

**Foul sewerage facilities**

**Development which results in the discharge of sewage effluent will not be permitted unless it provides a system of foul drainage that connects to the mains public foul sewer (to the satisfaction of the Minister for Planning and Environment in consultation with the Minister for Transport and Technical Services).**

**Responsibility for the cost of making a connection and/or providing increased capacity in the public foul sewerage systems and pumping stations, so as to accept any additional flow from the development, will be the applicant's, and this may be the subject of a legal agreement between the applicant and the Minister.**

**In exceptional circumstances and where it has been demonstrated by the applicant that connection to the mains public foul sewer is not economically feasible, taking into account viability and practicability, consideration may be given to a packaged treatment plant offering full treatment, provided it is demonstrated that;**

- 1. the final effluent from the development will meet standards and conditions set by the Minister for Planning and Environment and the Minister for Transport and Technical Services; and**
- 2. adequate provision is made for future operation, monitoring / telemetry and maintenance throughout the life of the plant, which is to the satisfaction of the Minister for Planning and Environment in consultation with the Minister for Transport and Technical Services and which is supported by a planning**

obligation agreement and meets the terms of the conditions of any required "Discharge Permit".

Planning permission may be granted in exceptional circumstances for small-scale development which results in an increase of foul sewage discharge and relies on non-mains sewerage disposal, including existing septic tanks (where these have been shown to be performing adequately) and tight tanks. Such developments might include: extensions and alterations to existing residential properties; conversions of existing non-residential buildings to create no more than two dwelling units or other similar small-scale uses; incidental buildings within the curtilage of domestic dwellings; essential agricultural workers' accommodation; and other small-scale developments; where these would otherwise be considered appropriate having regard to policies NE6 [Policy NE 6 'Coastal National Park'](#), [Policy NE 7 'Green Zone'](#) and other relevant policies of the Plan.

In such cases, the applicant must successfully demonstrate that;

1. Connection to mains drains is not feasible;
2. The installation of a packaged treatment plant would be unreasonable;
3. The increase in the amount of effluent as a result of development will be negligible;
4. Ground conditions are appropriate and the development plot is of adequate size to provide an adequate sub-soil drainage system;
5. Development will not create or add to a pollution problem;
6. The development will not place an unacceptable burden on amenity or cause public health or environmental problems;
7. Adequate provision is made for maintenance and monitoring; and
8. The development is in accordance with other principles and policies within the plan.

Where it is proposed to increase the potential sewage discharge to an existing non-mains sewerage system, which may give rise to the

<p>problems referred to above, there will be a requirement to make suitable improvements to the system, which may include a requirement to replace an old septic tank with a new packaged treatment plant. For the avoidance of doubt, proposals for the use of septic tank systems, tight tanks and other such systems will not be permitted where:</p> <ol style="list-style-type: none"> <li>1. A 'Discharge Permit' is unlikely to be forthcoming; and</li> <li>2. The proposals are put forward as a temporary measure with the intention of connecting drainage to the public sewerage system at a later date and may give rise to problems referred to above.</li> </ol> <p>Applicants are required to submit sufficient information regarding the means of sewage disposal to allow a proper assessment of the proposals. Where this information is not provided, the application will be refused. Regard will be made to constraints on the capacity of the existing Sewage Treatment Facility and Drainage System in consultation with the Minister for Transport and Technical Services.</p> <p>Proposals for the development of land in the vicinity of sensitive foul sewerage facilities, as indicated on the <a href="#">Proposals Map</a>, including the package treatment plant at Bonne Nuit, tanker discharge points and pumping stations with odour control units, will only be permitted where they will not or unduly restrict the activities of these facilities.</p>	
<p><b>Surface water drainage facilities (LWM3)</b></p> <p><b>11.125</b> Rain falling on buildings and hard surfaces is unable to infiltrate into the ground, so it needs to be drained artificially in order to prevent problems of localised flooding downstream. New development tends to extend the area of impermeable ground, so increasing surface water run-off. Conventional drainage systems have involved removing rainfall from impervious surfaces in developments as quickly as possible and piping it away to discharge it to the public sewerage system or nearby watercourses and water bodies. These can often lead to problems, including:</p>	<p>Surface water will be stored to provide an irrigation resource for the school grounds. Other surface water will fall on porous surfaces or discharge to soakaways to re-charge groundwater (Chapter 16).</p>

- **downstream flooding** – caused by high rates of surface water flow for shorter periods
- **poor water quality** in streams and ground water due to certain contaminants contained in surface water outfalls (e.g. oil, organic matter and toxic chemicals).
- **lowering the water table** – reducing the amount of water available for infiltrating into the ground will reduce the volume of ground water storage leading to a drop in ground water levels and the base flow of streams.
- **ecological damage** – the above factors, combined with the erosion and deposition associated with higher flows and the reduction in oxygen level due to the suspension of high levels of silt can seriously damage natural habitats, flora and fauna.

**11.126** In order to prevent the surface water drainage from new developments damaging the environment, the Minister for Planning and Environment is keen to support an alternative approach designed to manage surface water run-off in a more sustainable way. Sustainable drainage systems (SuDs) use softer engineering solutions, which seek to mimic natural drainage processes and help to promote wider environmental objectives.

**11.127** Sustainable drainage systems can take many forms, including soakaways, filter drains/trenches, swales, retention ponds/tanks and basins, hydro-brakes on pond and tank outfalls, permeable paving for footpaths, yards and car parks, green roofs and sensitively re-engineered channels or reed beds, depending on the nature of the development and the area.

**11.128** As a general rule, the Minister will seek to ensure that surface water run-off is managed in line with the following drainage hierarchy:

- store rainwater for later use (see Policy NR2: 'Water Conservation');
- use infiltration techniques, such as permeable/porous paving, soft landscaping and soakaways;

- attenuate rainwater in ponds and basins and other open water features for gradual release to a watercourse;
- attenuate rainwater by storing in tanks or sealed water features for gradual release to a watercourse;
- discharge rainwater direct to a watercourse;
- attenuate rainwater by storing in tanks of sealed water features for gradual release to a public surface water sewer; and
- discharge rainwater to a public surface water sewer.

**11.129** The Minister will publish supplementary guidance on sustainable drainage to provide additional advice and assist with development control considerations. However, in designing the drainage for new developments, applicants should take into account the following issues at the project design stage:

- integration of sustainable drainage systems into the overall design and layout;
- opportunities for the remediation of any contaminated land, where necessary;
- opportunities for wildlife habitat creation;
- agreements required for maintaining and operating the systems; and
- arrangements necessary for monitoring long-term performance.

**Proposal 33**

**Surface water drainage systems**

The Minister will publish supplementary guidance on sustainable drainage to provide additional advice and assist with development control considerations.

**11.130** Developers will be required to fund sustainable drainage systems where these are practicable and legal agreements will be used to ensure maintenance and control of run-off to approved levels in perpetuity.

**11.131** Where discharge of surface water to the public sewerage system is unavoidable, the responsibility for the cost of making a connection and/or providing increased capacity to accept the additional flows, will be the applicant's, and this may be the subject of a legal agreement.

**Policy LWM 3**

**Surface water drainage facilities**

The Minister for Planning and Environment will expect proposals for new development and redevelopment to incorporate Sustainable Drainage Systems (SuDs) into the overall design wherever practicable.

Applicants will be required to ensure that surface water run-off is managed as close to its source as possible in line with the following drainage hierarchy:

- Store rainwater for later use in accordance with [Policy NR 2 'Water capacity and conservation'](#);
- Use infiltration techniques, such as porous surfaces;
- Attenuate run-off in open water features for gradual release to a watercourse;
- Attenuate run-off by storing in tanks or sealed water features for gradual release to a watercourse;
- Discharge run-off direct to a watercourse;
- Attenuate rainwater by storing in tanks or sealed water features for gradual release to a public surface water sewer; and
- Discharge rainwater to the public surface water sewer.

Sustainable drainage systems will not be required where it can be demonstrated by the applicant that there are practical reasons for not doing so, such as:

- They would be likely to cause significant land or water pollution; or
- The site's ground conditions would preclude their use; or
- The size of the site precludes their use; or
- They would cause damage to adjacent buildings or sites.

Discharges of surface water to groundwater, or to local watercourses and water bodies will be required to meet quality standards and conditions set by the Minister and will not be permitted where this would lead to pollution.



**Applicants will be expected to incorporate remedial measures into drainage systems to avoid the risk of pollution from oil and other chemicals, where appropriate.**

**Discharge rates will normally be required to be limited to pre-existing natural rates of run-off so as to avoid causing or exacerbating flooding, either locally or remotely. However, in appropriate circumstances, where flood risks to adjacent properties are highest, there may be a requirement to reduce the pre-existing discharge of run-off.**

**Discharges of surface water to the public sewerage system will not be permitted unless approved by the Minister for Transport and Technical Services and, if accepted, will be required to be separate from foul sewage. Responsibility for the cost of making a connection and/or providing increased capacity in the public sewerage system and pumping stations, so as to accept the additional flow from the development, will be the applicant's and may be the subject of a legal agreement between the applicant and the Minister.**

**Where appropriate, planning conditions or legal/planning obligation agreements will also be imposed or sought to ensure that Sustainable Drainage Systems are provided and maintained in the long-term.**

**In all cases, applicants will be required to submit sufficient information regarding the means of surface water disposal to allow a proper assessment of the development proposals. Where this information is not provided, the application will be refused.**

**Proposals for new development which would impact on the discharge of surface water will not be permitted, unless satisfactory provision is made for surface water disposal, to the satisfaction of the Minister in consultation with Jersey Water and the Minister for Transport and Technical Services.**

**Regard will be made to constraints on the capacity of the existing Sewage Treatment Facility and Drainage System in consultation with the Minister for Transport and Technical Services.**

## Economy & Employment

### **Safeguarding farmland (ERE1)**

**5.142** It is important to Island life that agriculture is supported and remains viable to sustain the livelihoods of those engaged in farming and in other sectors that contribute to the improved management of Jersey's natural environment. It is also important to protect the meadows and cotils from domestication and an important aspect of this policy is to ensure that land that is of value to agriculture is safeguarded against inappropriate changes in use.

**5.143** There are constant demands on agricultural land both from within and outside the industry, particularly as farmers look to diversify. However, it is wise to employ the 'precautionary principle' and continue to safeguard agricultural land.

#### **Policy ERE 1**

#### **Safeguarding agricultural land**

**There is a presumption against the permanent loss of good agricultural land for development or other purposes. Where exceptions are proposed, the Minister for Planning and Environment will take into account:**

- **the impact on the viability of an agricultural holding;**
- **the nature of the proposed use;**
- **in the case of a dwelling, the requirement for reasonable private amenity space;**  
**the visual impact; and**  
**the recommendations contained in the Countryside Character Appraisal.**

The project involves the development of land that is currently used for low grade agricultural activities (hay cropping). Unfortunately there is no way of mitigating against the loss of the land but the limited contribution the land makes to agriculture as a whole should not mean that serious harm is caused to agricultural opportunities overall and the contribution the new school will make to Jersey makes it an appropriate change of use. (Chapter 6).

### **RELEVANT SUPPLEMENTARY PLANNING GUIDANCE**

The Minister for the Environment publishes 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 specific site.

Supplementary Planning Guidance (SPG) can cover a range of issues and provide further detail about policies and proposals in the Island Plan or other matters relevant to the Planning process.

Where relevant SPGs will be taken into account in making decisions under the Planning and Building (Jesrey) Law 2002.

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
- Practice notes, which aim to provide information about how the planning system's protocols and procedures operate.

Some of this guidance is now dated and, as a consequence, may not be applicable, or carry as much weight as when the guidance was first adopted.

Guidance in the following published SPG documents are relevant to this project

**Advice Notes**

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• Site waste management plans - September 2013	An outline Waste management Plan has been included in the EIS but it cannot be finalised until a contractor is appointed. Added to this the Contractor will be able to integrate their ways of working into any Plan making it more practical to achieve. The contractor will be required to provide a full Waste Management Plan prior to the development commencing.
• Disposal of foul sewage - May 2012	Chapter 15 of the EIS addresses drainage issue in accordance with this SPG
• Crime impact statements - March 2012	See Chapter 13
• Percentage for Art - June 2008 (amd. Oct. 2012)	See comments in relation to Policy GD8 above.
• Design Statements - Dec 2006	See accompanying Design Statement
• Development of Potentially Contaminated Land - Oct 2005	See Chapter 12

<b>Policy Notes</b>	
• Archaeology and Planning - Jan 2008	The requirements of this SPG have been met - See Chapter 11
• Parking Guidelines - Sept 1988	The requirements of this SPG have been met - See Chapter 10

