

PLANNING STATEMENT

SOUTH WEST ST HELIER VISIONING FRAMEWORK

UPDATED APRIL 2023



INTRODUCTION AND OVERVIEW

MSPlanning have been working with Jersey Development Company on the exciting proposals for the SW St Helier Visioning Framework, as part of a wider team led by Gillespies, with Heta Architects, plus integrated technical support from AECOM, WSP and Waterman, coupled with community and stakeholder engagement, led by Icen Projects.

This work has culminated in the submission of this outline planning application, and this Planning Statement forms an integral part of the bundle of supporting documentation prepared by the project team.

The purpose of this Planning Statement is to objectively review the proposals in the light of the adopted Island Plan, being the Bridging Island Plan, adopted in March 2022 (the “Island Plan”) and in the context of other material considerations.

Other material consideration will include wider Government Policy and Supplementary Planning Guidance.

This outline planning application follows the publication, by the Minister for the Environment of “The South West St. Helier Planning Framework” in December 2019, which is adopted as Supplementary Planning Guidance.

One of the key tasks from the adopted Planning Framework SPG was to ensure that the community expectations were woven-in to the project. This has remained uppermost in the work undertaken by Jersey Development Company and despite the challenges of the covid-19 pandemic there has been a significant emphasis on, and public interest in, in the consultation process which has been unprecedented in its form and scope and has resulted in useful feedback that has been embedded in the proposals.

The adopted Planning Framework SPG sets out the aspirations of the community for the Waterfront and this new application represents a further step to realise this vision.

The new application is in outline form and will require future individual reserved matters applications to show the form of the development, including the final architecture, the materials,

and the fully detailed landscape context, and these applications will be phased over approximately the next 12 years.

The description of the development is:

“Outline planning application (with all matters reserved). Demolish existing structures. Phased construction of new development comprising up to 984 residential units with basement parking; up to 31,125sqm of non-residential floorspace comprising retail, commercial, social infrastructure, leisure, arts and cultural facilities, public and private open spaces, new pedestrian and vehicular access; other associated landscaping, infrastructure and highways alterations including relocation of the slipway and La Fregate, land reclamation and flood defence measures”

The high-level outcomes from this application include:

- helping to reconnect the old town of St Helier with the new Waterfront by addressing the barrier caused by La Route De La Liberation and providing a coherently-delivered community of new homes and businesses, within a series of landscaped spaces;
- helping to meet the pressing development needs of the island in a sustainable manner, by making the most efficient and effective use of land in a spatially appropriate location, so helping to both reduce the need to travel and to reduce pressures for greenfield land release;
- helping to deliver long-term climate resilience by, for example, improving flood defences, to the benefit of St Helier businesses and residents.

The application was originally submitted in December 2021, and validated on 26th January 2022. On 7th February 2022 the Minister for the Environment announced that he would determine the application, following a Public Inquiry. Terms of Reference for the Inquiry were issued on 27th January 2023, which will run for a week from 15th May 2023. Dialogue with the Planning Authority and technical consultees has continued through this period, which has included further public engagement. This Planning Statement updates the context to April 2023.

THE OUTLINE APPLICATION

This is an outline application, with all matters reserved. It seeks to establish whether the development is acceptable in principle and is supported by:

- | | |
|--------------------------------|--|
| Parameter plans in relation to | (1) scale and massing |
| | (2) siting, and |
| | (3) means of access |
| Design Codes in relation to | (4) external appearance and materials, and |
| | (5) landscape. |

It is the first part of a two-stage planning process, and will be followed by subsequent reserved matters applications, for individual phases, which will confirm the final form and appearance of the buildings and the detailed site arrangements. These reserved matters applications will each be subject to prior public consultation and engagement, as clearly expressed in the adopted Framework SPG.

Under the Planning and Building (Environmental Impact) (Jersey) Order 2006 the proposed development also needs to be subject to an Environmental Impact Assessment (EIA) and an Environmental Impact Statement (EIS) accompanies the application.

The level of flexibility sought in any outline application must be balanced against the requirements of the Environmental Impact Assessment Regulations to provide sufficient information to enable the “likely significant effects” to be assessed.

This position has been set out in UK case law, which established that the level of information submitted should be sufficient to enable the main or likely significant effects on the environment to be assessed, and the mitigation measures to be described.

Guidance from the Planning Inspectorate in the UK confirms that the need for flexibility should align with a “worst case presentation in the Environmental Impact Assessment process”. In this application, the EIA thresholds have been set by clearly defined parameter plans which establish the maximum development envelopes, in three dimensions, and are sufficiently detailed to enable a robust environmental assessment to take place. They allow for the identification of the likely significant effects, and the identification of mitigation as necessary.

This approach has also previously been endorsed in Jersey with the Planning Inspector for 2018 ‘Our Hospital’ outline planning application confirming that:

“the form of the application in ‘Outline’, supported by maximum parameters and design guidance, is a legitimate and valid form of planning application. It does enable the broad acceptability of the proposal to be assessed in Planning terms.”

At this outline stage the scheme is therefore controlled by the parameter plans which specify the maximum extent of the component parts of the development. These parameter plans are to be read in conjunction with the accompanying Design Codes which, together, provide the decision-maker with the necessary certainty about the final forms of the development to be delivered, whilst enabling a further stage of design evolution to take place.

Although the planning application does not contain as much detail as a full application, the combination of the parameter plans and the Design Codes will set an overall maximum scale of development and enable the decision maker to make reasonable judgments about not only the Environmental Impact Assessment, plus also have a degree of certainty – through the principles established in the Codes – about the content of the future reserved matters applications, which are to be brought forward on a phased basis.

The Design and Access Statement contains an extensive narrative explaining how the parameter plans and Design Codes have been produced. They also contain illustrative material that depicts one way in which the parameter plans and Design Codes may be applied and the scheme built out. The purpose of these illustrations is to demonstrate how the parameter plans and Design Codes can work in tandem, to give an idea of how the final buildings, landscape and wider public realm may look. For the avoidance of doubt, any illustrations therefore do not represent a final design for which planning permission is being sought in this outline application and will be subject to phased reserved matters applications in due course.

The proposed phasing is set out within the Design and Access Statement and each future phase will be subject to individual reserved matters applications guided by appropriately worded conditions attached to the original outline planning consent, which requires delivery in accordance with the parameter plans and Design Codes.

THE SITE AND PLANNING HISTORY

The site is approximately 11.55 hectares in area and is situated between the Esplanade and St Aubin's Bay.

The full extent of the red edge is shown on the application drawings and whilst the predominant current use is surface car parking, there are also public gardens, plus leisure and recreational uses (including a swimming pool, multi-screen cinema and 'fast food' outlets).

The site is bisected by the dual-carriageway and underpass of La Route De La Liberation, which is the main east-west road passing through St Helier and was delivered in the late 1980's as part of the "West of Albert" land reclamation project which moved the foreshore from the Esplanade to its current position and delivered the Elizabeth Harbour ferry terminal and Elizabeth Marina. There is a current planning application (P/2023/0062) to concentrate further Ports of Jersey activity at Elizabeth Harbour.

The full extent of the West of Albert project covers approximately 23 hectares and the "New Waterfront" land that has emerged from the reclamation (finished in the late 1990's) now contains a variety of developments that have been delivered since that time.

To the south-western (seaward) extent, the developments have included:

- Harbour Reach apartments, completed in 2006;
- Radisson Blu hotel, completed in 2007;
- Castle Quay apartments, completed between 2008 and 2011.

The Horizon development is also on-site at present, where 280 apartments are being delivered across three buildings of 9, 10 and 11 stories, which are now part-occupied and due to be completed over the next couple of years.

Nearer town (to the north-eastern extent of the reclaimed land) the developments have included:

- The Waterfront car park (across two basement levels, with Marina Gardens on top) completed in 2000;
- Victoria and Albert apartments, completed in 2003;

- Aquasplash swimming pool, Cineworld cinema complex and fast-food outlets, completed in 2003; and
- The International Finance Centre, where two office buildings were delivered in 2017 / 2018, and two further office buildings benefit from full planning permission (one of which has just commenced on site).

The Waterfront is physically detached from the core of St Helier by the dual carriageway and has a character which is also detached from the rest of town. This is perhaps due to the relative immaturity of the area and lack of architectural coherence from the incremental nature of some of the early developments, which emerged from the need for quick delivery as the first sites were made available on a plot-by-plot basis as the reclamation project was completed.

It is noteworthy that the Esplanade represents the extent of land which was reclaimed from the sea in the 18th and 19th centuries, itself being a further phase in the evolution of the town of St Helier, where the original 'natural' shoreline is just to the south-western side of the town Church (now Bond Street).

In relation to the recent planning history, there are two lapsed proposals for residential developments to the north of the Radisson hotel, being:

- Zephyrus (58 apartments with ground floor retail use, across 5 buildings of 6 storeys each, originally granted in February 2010 and renewed until July 2021); and
- Westwater (11 apartments in a 6 storey building, originally approved in 2010, renewed until July 2021).

Planning guidance for the Waterfront area was previously set out in the "Masterplan for the Esplanade Quarter" produced by Hopkins Architects. This Masterplan evolved from Supplementary Planning Guidance for the Jersey Waterfront (April 2006) wherein there was an acknowledgement that there needed to be a more coherent approach to development.

The Hopkins Masterplan aimed to "*seamlessly integrate the Old Town with the Waterfront*" by sinking the dual carriageway. The space above the newly-sunken road would then become a new financial quarter providing an estimated 620,000 square feet of office space, plus over 300 new apartments, a boutique hotel and a range of shops restaurants and bars. This would be set out on

a formal grid with colonnaded squares to create a place “of the 21st century” but also being “unmistakably Jersey”.

Following adoption of the Masterplan in April 2008 an outline planning application (reference PP/2008/1680) was then brought forward for the full range of works envisaged in the Masterplan, with the description of development being:

“16 separate building blocks ranging from 5 to 9 storeys high comprising offices, retail and restaurants, 388 residential apartments, 65 self-catering units, wintergardens, a boutique hotel, public open spaces. 2 floors of underground car parking comprising of 900 private spaces and 520 public spaces and associated works including a new underground road tunnel and other associated roadworks and landscaping.”

This application was approved in July 2010, but during the determination period the economic situation altered significantly (with the global financial crisis) which called into question the deliverability of the project, in particular, as it required the upfront investment in the sinking of the road.

To manage this situation, in March 2011 a Minor Amendment was made to the Masterplan, which moved away from a single-phase approach, and confirmed that the sinking of the road would not occur as an early phase.

The next chapter of the planning history was a series of individual planning applications starting in 2012, for office buildings on the Esplanade car park element of the Masterplan site. Two of these buildings are now complete and occupied. Following the approval at Planning Committee in April 2015 of what is now IFC5, a Third Party Appeal was lodged, and an Independent Planning Inspector presided over a Hearing. In March 2016 he reported to the Minister with a recommendation that the Appeal be dismissed and the decision upheld. The Minister endorsed this recommendation, and noted that the Inspectors Report questioned whether there was a need to update the Masterplan to provide a sound basis for future decision-making.

This feedback was the catalyst for the Minister to reconsider the approach to the Waterfront, with an expanded scope, and the embedded involvement of the community - identified as being of paramount importance. To this end, and with guidance from the Design Council, the Minister

facilitated a series of interactive workshops involving individuals, interest groups, local business owners and Government subsidiary companies.

The key and consistent messages from the workshops are set out at paragraph 1.13 of the adopted Framework SPG, being that

- the 2008 Masterplan should be rescinded as it is overly prescriptive and resulted in development that has not respected or reacted to the character of St Helier;
- the Masterplan should be replaced with a more flexible and adaptable planning framework focusing on connectivity and place making rather than on use;
- the new framework should encourage excellence in architecture and create a sense of pride and belonging in the community;
- the Esplanade Quarter should be seen in a wider context as it forms an important hub and cannot be viewed in isolation;
- the sinking of La Route De La Liberation would cause significantly more problems than it would solve;
- development in the area should not be solely office led, it needs a mix of uses and activities;
- key views and vistas should be identified and enhanced where possible;
- delivery of the 2008 Masterplan was not properly secured and the community felt disenfranchised from the planning and development process.

This feedback was embedded in the South West St. Helier Planning Framework, which is itself embedded in the Bridging Island Plan. This outline application builds on its aspirations and represents a further important step towards the delivery of its objectives.

Jersey Development Company announced their current project with a consultation launch in October 2020. This involved a website, with introductory videos to meet the team and recap the work from the Design Council. This was accompanied by widespread media engagement requesting feedback from the public. Throughout the evolution of the proposals the team have continued to engage with the public and an extensive range of organisations across government, businesses and the 3rd sector, often utilising innovative and high-tech multi-format approaches, necessary due to the restrictions of the pandemic. Section 4 of the Design and Access Statement takes the reader through the chronology of activities and provides a summary of the feedback, plus the actions taken by the team and woven into the proposals.

THE PROPOSALS

As set out earlier, the description of development is:

“Outline planning application (with all matters reserved). Demolish existing structures. Phased construction of new development comprising up to 984 residential units with basement parking; up to 31,125sqm of non-residential floorspace comprising retail, commercial, social infrastructure, leisure, arts and cultural facilities, public and private open spaces, new pedestrian and vehicular access; other associated landscaping, infrastructure and highways alterations including relocation of the slipway and La Fregate, land reclamation and flood defence measures”

The parameter plans set out the maximum 3-dimensional forms, and show the plots, their dimensions, the access and circulation, maximum horizontal and vertical extents, including basement, plus the mix of uses, the public realm and the amenity space.

In order to facilitate this work, the majority of the existing structures would be cleared (including the leisure complex and the kiosks in the northern part of the site) with the exception of the Listed bunker, Listed sea wall and the Waterfront Gardens car park.

For flood defence purposes, the sea wall would be reconstructed, 1.1m higher than the current level, with the existing slipway filled-in and a new slipway delivered to the north-west. The land within the site would be altered to tie-in with these revised levels, generally rising from the east to the west.

The land around the reclaimed slip would become new public realm, with a linear area of landscaped open space providing sports courts, and play facilities, stretching towards the new slip. This area includes the new position for Le Fregate, providing improved facilities for the amphibious vehicle trips to Elizabeth Castle. This would provide a landscaped and active arrival to St Helier from the west, and this same space links back into the heart of the site through a series of parks, to a large lawned area adjacent to a new outdoor lido swimming pool, and public Waterfront Square facing the sea.

These spaces then link south west through a network of streets and laneways, to a new public open space connecting the Central and Esplanade Squares. In turn, these spaces continue through pocket squares and a sheltered landscaped network of pedestrian routes, to the present

Marina Gardens where the proposals include rejuvenation by adding additional planting, play equipment and a new kiosk café.

The minimum sizes of these spaces are established through the parameter plans, with their form, use and character controlled through the Design Codes.

The balance of the development would comprise:

- Up to 984 residential units (comprising a mix of 1, 2 and 3 bedroom units);
- Up to 1,296 m² GFA retail space (Class A);
- Up to 6,568 m² GFA leisure space (Class H);
- Up to 2,478 m² GFA arts, cultural and community floor space (Class G and Class I);
- Up to 16,755 m² GFA office space (Class C);
- Up to 3,004 m² GFA food and beverage space (Class B / Class M); and
- Up to 1,024 m² GFA social infrastructure;

The mix of residential units is not submitted for approval at this stage, and will be confirmed in the further reserved matters applications. An indicative mix of 46.75% x 1-bed (460 units), 33.33% x 2-bed (328 units) and 19.92% x 3-bed (196 units) has been used for the assumptions in the outline application.

The floorspace has been generally arranged to support different character areas. For example, the food / drink, leisure and retail elements are positioned to benefit from the seaside and parkside aspects, with a vibrant and lively character. Arts / cultural uses are located where they front onto the main public squares, presenting a more formal and civic character. The central elements of the site then have residential uses down to the ground floor, presenting a calm and domestic character.

The proposed buildings would be in seven parcels (annotated as A to G on the drawings) which are then broken-down into specific plots and given number references (A1, A2 etc). In addition, P1 – P4 represent the proposed pavilions in the landscaped areas.

The maximum extent of each plot is then set out on the parameter plans, in three dimensions, with the parameter plans also showing the ground floor uses, and key access points.

The maximum plot heights are expressed as metres AOD, with proposed heights being from 5 to 7 storeys, with accents of 8 storeys. The evolution of these forms is shown in the DAS, which includes consideration of the townscape impacts, the relationships at street level and factors important to the 'liveability' for residents – such as sunlight / daylight and other amenity issues.

A basement is proposed below the site, being single level across the majority and double level under Plot F1 which links to the existing Waterfront car park. Vehicular access would predominantly be via Rue de L'Etau with a ramp at the western roundabout to enter the basement. The basement under F1 would be separate and accessed via the current Waterfront car park arrangements. A total of 405 spaces would be provided for the residents (comprising 384 private spaces and 21 car club spaces), plus 85 spaces for the operational requirements of the non-residential uses and the reprovision of 335 public car parking spaces (140 under Plot F and 195 spaces via Rue d L'Etau). 283 public motorcycle spaces and 27 residential motorcycle spaces would also be provided within the underground car parks.

Provision is also made for 2,460 cycle spaces, being:

- 1704 long-stay cycle spaces within the basement for the residents; plus
- 388 spaces in a new cycle hub, to include 229 long stay cycle spaces and 159 commuter spaces and also to include e-bike hire, a changing area and repair space; plus
- 314 short stay spaces along secondary streets, to cater for visitors and support the non-residential uses; plus
- 54 spaces at plot P1, to support the Elizabeth Castle ticket office.

The ground-plane would be free from vehicles other than for limited servicing, with pedestrian and cycle access integrated throughout the site, including a segregated cycle lane parallel to La Route de la Liberation. The physical barrier of the dual carriageway is addressed by three signalised at-grade crossing points which re-prioritise the pedestrian and de-engineer the road to provide direct connectivity across the dual carriageway, linking new public squares. The streets and lanes all have a logical hierarchy referenced back to the character of each space.

The architectural delivery of the buildings also links back to the typologies which have been developed for each character area. These are expressed in the Design Codes, where the narrative takes its structure from the Urban Character Appraisal work undertaken for the

Government of Jersey by Willie Miller Urban Design. This structure enables a clear approach, to consider a range of characteristics, and to be applied in a consistent manner.

The application is also accompanied by series of strategy documents, including such matters as Operational Waste Management, Drainage, Lighting, Energy and other Sustainability matters. These explain the approach the applicant intends to take for these topics, with the key matters transferred into the Design Codes, to then be taken forward into the Reserved Matters applications, to be submitted for each phase of the development, and delivered from 2025 to 2034.

This is a compelling package, which takes forward the important objectives of the South West St Helier Framework. It has been produced through a comprehensive analysis of the site, engagement with consultees and the community, and with a detailed understanding of technical delivery. It is presented in a clear manner and proposes a contextual and coherent development, which will be a significant asset for the Island, to meet pressing development needs in a sustainable manner, deliver climate change resilience and, importantly, reconnect the town to the Waterfront.

OVERVIEW OF PLANNING FRAMEWORK

The statutory context of the planning system is set by the Planning and Building (Jersey) Law 2002.

Article 7 of the Law mandates that land is not to be developed without permission, with Article 8 then providing the Minister with the authority to grant permission by Order, and Article 9 requiring an application for planning permission for all other forms of development.

Article 19 of the Law establishes the “plan-led” system and requires that:

“all material considerations shall be taken into account in the determination of an application for planning permission.”

and

“in general planning permission shall be granted if the development proposed in the application is in accordance with the Island Plan.”

The “plan” to which the Law refers is the Island Plan. This is in two parts, being a Proposals Map, illustrating the geographical basis for the development of land, and a written statement containing policies in respect of the development use of land (alongside the reasoned justification for each of those policies). The written statement itself is then split into three parts, with the first section setting out the **Strategic Policy Framework** (being the over-arching objectives of the Plan), the second part articulating the strategy for the different **Places** in the island, and the third part then providing the site-specific and technical policies relevant to **Managing Development**.

There can only be one Island Plan, and the current version is the Bridging Island Plan, adopted in March 2022. It is intended to cover a 5-year period, to the end of 2025.

This legal structure means that if an application accords with the Island Plan, then it is reasonable to expect planning permission to be granted. Conversely (although not explicit within the Law) if an application does not accord with the Island Plan, then it must follow that permission is likely to be refused.

It is possible to depart from the content of the Island Plan, but the Law requires that such a decision will require “sufficient justification” to do so. That’s to say, if the departure is on a minor

matter, then only a small justification is necessary - but if the departure is more fundamental then the justification needs to be of a larger magnitude.

It is also important to note that the Law asks decision-makers to consider whether applications are in accordance with “the Island Plan” – meaning the document as a whole. This is an acknowledgement that individual policies within the different parts of the Island Plan might not pull in the same direction in every instance, and that there might be tensions across different policy objectives. This is indeed set out in the introductory sections of the Bridging Island Plan.

As per Article 19 of the Law, alongside the Island Plan, the decision-maker is also required to take account of “all material considerations”. Such considerations will include other Government policy, Supplementary Planning Guidance adopted by the Minister on site-specific / technical matters, or emerging policy which has not yet got formal status. Although all applications are to be determined on their own merits, a planning history, or the ‘precedent’ of similar applications can also be material considerations.

In every case, the decision-maker will have to prescribe due weight to particular policies and considerations. In this instance, for example, there is the South West St Helier Planning Framework, recently adopted by the Minister as Supplementary Planning Guidance, which will be a material consideration of significant weight.

The overall determination will then be based on a mature ‘planning balance’ to consider whether the proposal is in accordance with the Island Plan.

The next elements of this Statement are therefore structured to review the hierarchy of policies, starting with high-level Government policies, then move to the policy framework within the Island Plan, before reviewing any other material considerations. It provides a precis of the policy objectives, and a commentary in response to its objectives – where relevant referencing other supporting material submitted with the application. It then concludes by providing an assessment of the overall planning balance.

GOVERNMENT OF JERSEY COMMON STRATEGIC POLICY (2023-2026)

Each Government publishes a series of strategic policies for their four-year term of office setting out their high-level ambitions.

This sits at the peak of the policy hierarchy and contains seven priorities for change, being:

- (1) **Housing and the cost of living** - improve access to, and supply of, good quality affordable housing, and help people achieve a decent standard of living;
- (2) **Economy and skills** – develop a more sustainable, innovative, outward facing and prosperous economy and help people acquire the right skills throughout their lives; we want Jersey to be an attractive place for everyone to achieve their potential;
- (3) **Children and families** – help all children to have the best start in life, recognizing that the early years have a lasting impact, and that being loved, being listened to, and achieving a good, rounded education or essential to future life chances;
- (4) **Ageing population** – enable people to live active, independence, healthy lives as they live longer;
- (5) **Health and well-being** – provide and regulates good quality healthcare and social services, promoting better health and well-being underpinned by improvements in public health;
- (6) **Environment** – protect and enhance our urban, rural and marine environment so that everyone can continue to enjoy its benefits, moving purposefully and fairly on a path to net zero emissions;
- (7) **Community** – create a more inclusive, vibrant community where people feel respected and able to flourish, as well as safe and protected.



In relation to the first of these points, the Common Strategic Policy acknowledges that “*Jersey has a housing crisis*” the Government acknowledged that this is a key factor in peoples quality of life as well as a driver of the increasing cost of living in Jersey.

The Government confirm that they will be proactive in driving a sustainable response to the housing crisis, for tenants and homeowners. They will promote and supports home ownership, aiding those looking to get on the housing ladder. They will release publicly owned sites for housing development and will enable islanders to right size when they want to, returning vacant homes to the markets and making the most of our existing stock.

In the commentary around Health and Wellbeing the Government confirm that they will encourage the improvement and expansion of parks and children’s play facilities, especially in urban areas. They also confirm that they will increase investment in the public realm.

In relation to the Environment, the Government confirm that they will continue to improve biodiversity, water, air and soil quality, and will continue the drive to reduce carbon emissions in line with the Carbon Neutral Roadmap. The Common Strategic Policy confirms that they will seek to provide safe and segregated routes for walkers and cyclists and enhance the quality of the places and neighbourhoods in which we live whilst also ensuring the delivery of homes and infrastructure that are essential to economic prosperity and Island well-being. This will be underpinned by the ongoing maintenance of built infrastructure, including tree planting and the provision of green spaces, sea defences and solid/liquid waste processing facilities.

Within the commentary around Community, the Common Strategic Policy confirms that the Government will continue to nurture a positive and inclusive island identity, will invest in the arts, and recognise that strong community is flourish and people are, and feel, safe.

It is considered that the proposals clearly aligns with the objectives of the Common Strategic Policy.

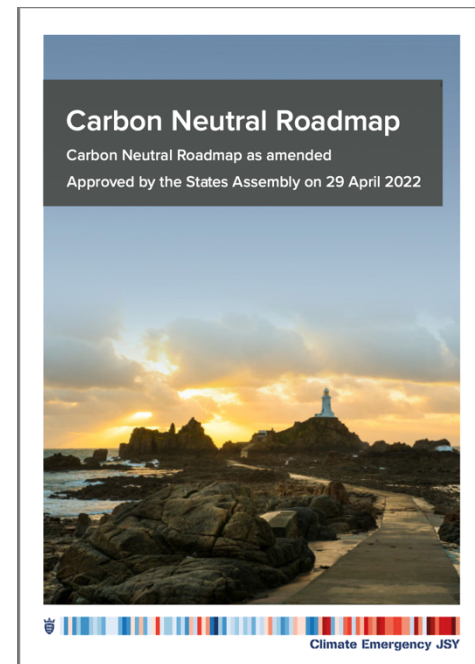
CARBON NEUTRAL ROADMAP 2022

In May 2019 the States Assembly declared a climate emergency. Following on from this, the Government have developed a “pathway” to achieve carbon neutrality by 2030, which has resulted in the Carbon Neutral Roadmap, approved by the States Assembly in April 2022

This Roadmap builds on the objectives moving to a low or zero carbon economy in a fair and just manner so that no section of the community is disproportionately impacted.

Five policies are identified, being:

1. Follow an emissions pathway in line with the commitments of the Paris agreement to deliver net zero by 2050;
2. Decarbonise the energy market whilst ensuring supply is flexible, responsive and adaptive;
3. Secure funding and allocate resources;
4. Develop policies designed to encourage and incentivise behavioural change;
5. Set up the steps on the Roadmap that Government will take to ensure that Jersey can become carbon neutral.



One of the earliest opportunities identified in the Roadmap is to reduce the need to travel. As a direct example it identifies the need to continue to accommodate the majority of new homes close to services within the existing urban area. The need to reduce the demand for energy is also highlighted, including that new buildings need to be designed to the very highest standards of energy efficiency to ensure that the need for heating and cooling is minimised. The need to switch to low carbon energy sources is identified, with commentary on decarbonised technology noting the availability of heat pumps and solar technologies.

The Roadmap identifies that the Island Plan is a useful policy tool to support the delivery of these objectives, and the proposals respond positively to the challenges that are set.

SUSTAINABLE TRANSPORT POLICY FRAMEWORK 2020-2030

This framework sets out the Governments vision for a future transport system and establishes the questions that will need to be addressed for this to happen. There is a clear acknowledgement that a car dominated transport system is no longer sustainable and not in the best interest of the islands future.

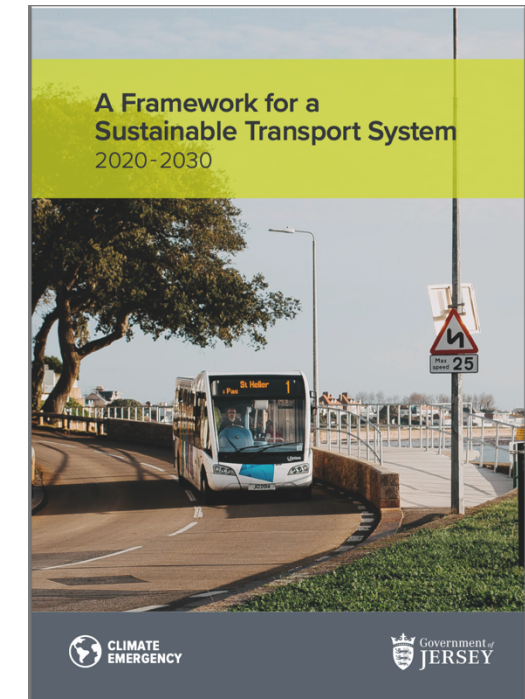
One of the challenges at a strategic level, but relevant to St Helier in particular, is the need to critically appraise the roads and streets to explore how a better environment might be created, which is more inviting, pleasant and safe for people to use and visit.

The transport system should promote active travel and well-being, to incorporate well connected neighbourhoods and places with safe and attractive infrastructure supporting choices that make walking, cycling and taking the bus the preference on a small island.

The framework acknowledges that car parking provision is a major influence on how people choose to travel and the pattern of development in the island. Where and how cars are parked can in turn be a major factor in the quality of a place. Parking standards should be applied flexibly and allow fully provision of lower levels of parking and the creation of high-quality places. Where an area is well served by sustainable transport modes, more restrictive and possibly maximum standards will be optimal.

Promotion of cycling and walking will align with Government aspirations to promote an active island. Case studies are set out within the Framework, showing how investments in sustainable transport infrastructure can have positive effects on people's health and well-being.

The Government workstreams to build on the Framework have been delayed, however the current application aligns with the aspirations of the Framework and can be at the fore of delivering its objectives.



JERSEY STRATEGIC FLOOD RISK ASSESSMENT (APRIL 2021)

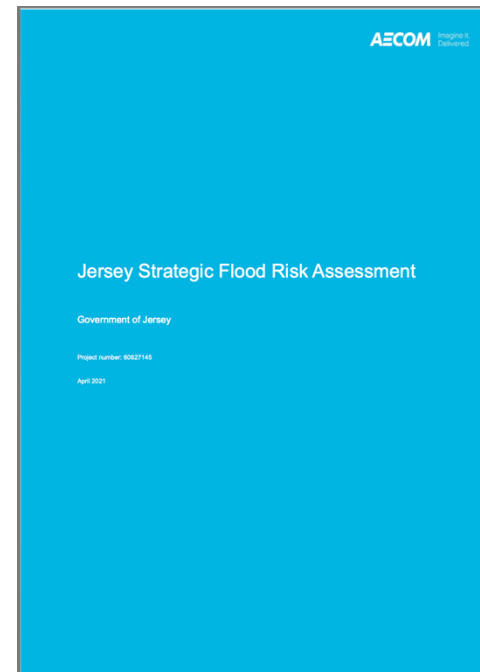
The Strategic Flood Risk Assessment was commissioned by the Government of Jersey and provides an island-wide review of the risks associated with flooding from all sources, including the effects of climate change. It also provides guidance on the mitigation of flooding and identifies potential opportunities to reduce flooding. It supports the long-term policy development position in relation to Island resilience and will be fed into the Bridging Island Plan.

The assessment identifies that the Jersey coastline has evolved overtime and the physical features of the coast have influenced the way in which the urban environment inland has been developed. Climate change is predicted to cause rising water levels, which will cause increased wave heights and increase severity and occurrence of storms which will increase the risk of coastal flooding on the island in the future.

The majority of the Parish of St. Helier is not in an area at risk of coastal flooding, but there is a high risk of flood water along the coast, in parts of the town, around the port of St Helier and at Havre Des Pas. This is predicted to be exacerbated by climate change with parts of the ports and the town centre affected in short term scenarios (2040 / 2070).

In relation to recent records, it is identified in the Flood Risk Assessment that:

- 3 January 2018 - Storm Eleanor causes coastal flooding which closes roads. A section of sea wall collapses in St Helier, with Victoria Avenue closed and Gloucester Street / Esplanade flooded.
- 3 March 2014 - high tide and heavy wind combine to cause flooding which results in Victoria Avenue being closed.



- 8 March 2008 - Storm Johanna causes flooding, with water overtopping flood defences in several locations. Homes and businesses in Victoria Avenue, West Park, Esplanade, Gloucester Street and Seaton Place were flooded.
- 23 November 1984 - severe storm compatible with March 2008 causing flooding in St Helier, damage to the sea wall and properties flooded to Castle Street.

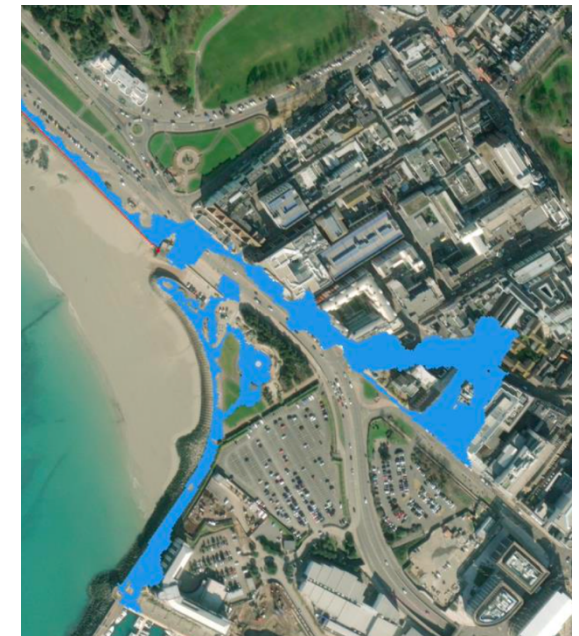
There are further records from 1965 and 1967, again considered comparable to the March 2008 event, with flooding affecting St. Helier and exacerbated by heavy rainfall.

In the St. Helier Coastal Management Unit, the short-term recommendation is to “maintain the defence line” which applies where existing defences provide a reasonable standard of protection, but which acknowledges that the level of flood protection may decrease in some locations, over time, due to climate change.

In the medium term (from 2040) the recommendation is “adaptive management” which includes improving the standard of flood protection and constructing new defences to proactively manage and mitigate coastal flooding.

The extent of flood risk in a 50-year scenario (2070) has been mapped by AECOM showing the situation with the current defences, and this validates the history shown in the Strategic Flood Risk Assessment (extract attached as relevant to the application site).

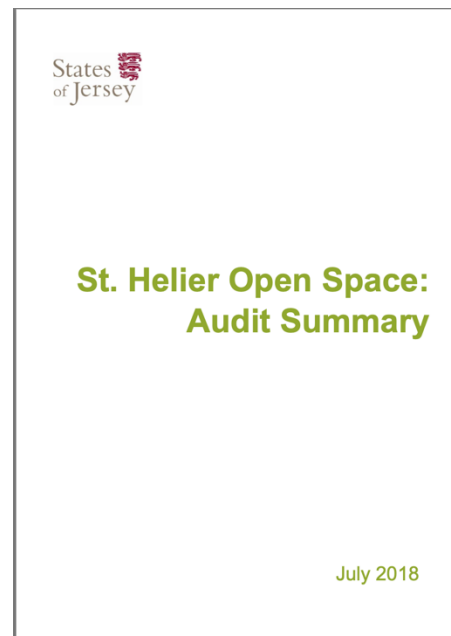
The proposal in this application will infill the slipway (to be replaced further north-west) and raise the sea wall, then introduce secondary layers of defence to protect against storm surge, so providing the necessary medium-term “adaptive management” advocated by the Strategic Flood Risk Assessment.



ST HELIER OPEN SPACE AUDIT (2018)

The St Helier Open Space Audit explored where open space exists, and what type it is, then modelled this provision against future population scenarios, following a methodology published by CABI.

The analysis found that, in particular, equipped children's play facilities fell considerably below the standards. Only play spaces were considered to be fully accessible to the public with other spaces being semi-private (within housing developments). Of the areas surveyed, the audit identified that none could be described as being disabled friendly or suitable for children with sensory processing issues.



six

The conclusions identified that there is a real lack of equipped play facilities across St. Helier. In terms of the spatial distribution of play facilities residents from the north west of town and the Waterfront area were noted as having the furthest to travel if they wished to access outdoor play equipment. The audit identifies that the Waterfront area forms parts of the South West St. Helier Planning Framework and it would be appropriate to explore what opportunities there may be for children's play to be incorporated into future plans.

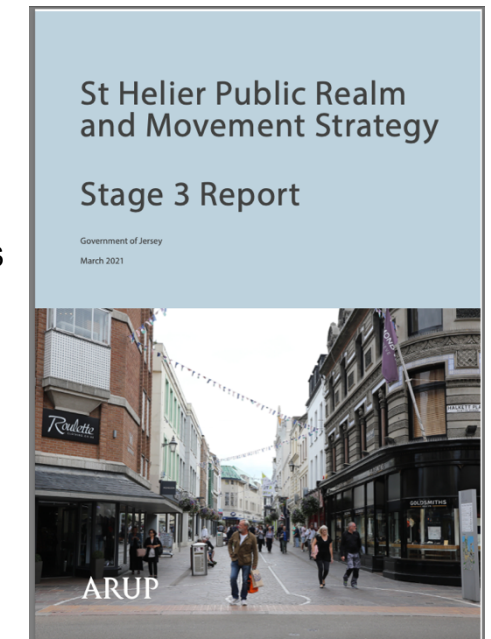
The Audit also reviewed civic spaces which are considered to support the function of the town and play a significant role in defining the character of a place, with their quality and appearance directly influencing perceptions of town centre quality and vitality. It was identified in the Audit that the Waterfront will provide opportunities for new civic spaces, both large and small, to enhance the character of the area, both in relation to the built environment and the potential for community uses.

The application responds directly to the issues identified in the Audit, by establishing a clear series of open spaces which support a variety of functions including sports, play for children and civic opportunities in both formal arrangements, and as part of a network of spaces.

ST HELIER PUBLIC REALM AND MOVEMENT STRATEGY (MARCH 2021)

The Stage 3 report for the Public Realm and Movement Strategy seeks to provide a clear framework for the enhancement of St Helier's network of streets.

Seeking to address the severance caused by the Ring Road is highlighted as enabling a transformative change in movement patterns. This considers the challenges presented by the existing constraints caused by vehicular dominance, to re-prioritise the space for travel by walking and cycling, so increasing safety and permeability. It also seeks to create more meaningful linkages, extending activity and vitality from the central core of town to the Waterfront.



The identified concepts for addressing the dominance of the ring road are all carried forward into this planning application and include:

- **Create and enhance the public realm** - to reclaim space for people, encouraging activity and increased greening, as a catalyst for the creation of culturally significant spaces that draw interest and provide areas for community engagements.
- **Connect key cultural assets** - streets should provide ease of access highlighting places that characterise St. Helier including improving access to the Waterfront edge.
- **Reduce vehicular dominance** - The fundamental reprioritization of space can improve conditions for those travelling by active modes, whilst also maintaining its vehicular flows. Interventions could include reduced carriageway widths, at grade footways and crossing points, and greening. A reduction in vehicle dominance can significantly improve the sense of place, feeling of enjoyment of space, and improve perceived and actual safety. Opportunities include the creation of additional key linkages between the town centre and the Waterfront to mitigate the severance to pedestrian and cycle connectivity.
- **Enhance vibrancy and animation** - creating spaces for people can bring activity and the vibrancy of the town centre all the way to the Waterfront by creating opportunities for activity and play in safe, attractive environments.

PLANNING POLICY FRAMEWORK

BRIDGING ISLAND PLAN

The Bridging Island Plan was adopted by the Minister following endorsement by the States Assembly in March 2022.

It was a comprehensive review of the policy position of the 2011 Island Plan, but for a shorter 5-year time period (2021 – 2025), due to the uncertainties around longer-term data assumptions as a result of Covid-19 and Brexit.

The outline application was prepared and submitted when the 2011 Island Plan provided the statutory policy position, however, its evolution was conscious of the Bridging Island Plan which now provides the relevant determination framework.

The Bridging Island Plan explains that a key justification for the shorter-term approach was that it enabled an early response to current challenges. In particular the Plan explains that it aims to respond to the key issues of:

MAKING HOMES MORE AFFORDABLE FOR ISLANDERS – data indicates a range of issues around the provision of and affordability of new homes, including people living longer, household sizes reducing and continued in-migration. Coupled with a recognised under-provision of new homes in the 2011 Island Plan period, the Minister acknowledges in the Bridging Island Plan that: *“we are in a serious, serious problem about housing issues. I think that is probably one of the biggest areas that probably the majority of States Members are really focusing on in the new plan.”*

MAKING IMPROVEMENTS FOR TOWN RESIDENTS AND PLACEMAKING – the Bridging Island Plan recognises that the sustainable development of the island hinges on the sustainable development of St Helier. It therefore seeks to create a town that is better for people to live in,



with more open space, good homes, and improved built environment and the community facilities and services that support a better quality of life and the creation of a better place.

RESPONDING TO THE CLIMATE EMERGENCY AND IMPROVING TRANSPORT – the Plan acknowledges that one of its most significant opportunities is to make early progress in strengthening the response that the planning system can make to the climate emergency. This encompasses reducing carbon emissions, increased environmental design standards and supporting sustainable transport initiatives.

STRENGTHENING PROTECTION FROM INAPPROPRIATE DEVELOPMENT – this reflects the two studies of landscape and urban character which consider how best to manage development that might affect the many valuable places, setting and contexts throughout the island.

AN INITIAL RESPONSE TO THE PANDEMIC AND BREXIT – the change in working patterns and affinity for the natural environment became more pronounced, with an affinity for the natural environment and a recognition of how different environments and road spaces could feel with the prolonged absence of vehicles.

The Plan then takes forward these issues and drafts a series of land-use policies to manage the development needs of the Island. As set out earlier, the Bridging Island Plan has two elements being the Written Statement and the Proposals Map.

The Written Statement is then split into three Volumes, with the first Volume setting out the **Strategic Policy Framework** (being the over-arching objectives of the Plan), the second articulating the strategy for the different **Places** in the island, and the third then providing the site-specific and technical policies relevant to **Managing Development**.

These sections, and the relevant policies are reviewed below, including commentary as to how the applications responds to their objectives.

VOLUME 1

STRATEGIC POLICY FRAMEWORK

This section sets out the high-level policies that guide the objectives of the Island Plan.

Policy SP1 seeks to ensure meaningful and long-term reductions in carbon emissions, and sets out that the Island Plan will :

1. Direct growth to areas of previously developed land or locations which minimise the need to travel by private car;
2. Secure improvements to walking, cycling, public transport and active travel networks to promote the use of sustainable transport;
3. Direct growth to areas which are least vulnerable to the long-term impacts of climate change, including flood risk;
4. Support retention and appropriate reuse and retrofitting of existing buildings;
5. Ensure building design and the public realm is resilient and adaptable;
6. Reduce the carbon impact of new developments by requiring development to optimise land use to efficient forms of development which minimise energy demand, maximise energy efficiency and which utilises renewable forms of energy and the use of renewable and recyclable construction materials;
7. Supports the delivery of renewable and low carbon energy schemes and innovative forms of infrastructure and land use which aid a transition to carbon neutrality;
8. Better protect and improve the islands green infrastructure to maintain and promote climate regulation.

The headlines from this element of the Island Plan are positive, in particular, the re-affirmation of the need to focus on previously developed land and reduce the need to travel, which is very much at the heart of the current application.

Transport (according to 2021 Government of Jersey data) generates 44% of the Island's total greenhouse gas emissions. The spatial distribution of new development can, by reducing the need to use motor vehicles for travel, can support long-term reductions in carbon. The application site is spatially appropriate, providing easy access to the centre of St Helier, with its range of jobs, services and community facilities. The site is also close to the bus station where the network of public transport options is available. Whilst there is car parking provided, this is at a modest level,

and the application directly delivers a wider package of benefits to support active travel, including the new crossing over the dual carriageway, the on-site cycle infrastructure and the improved cycling and walking infrastructure within and across the site.

One of the key elements of the application is to mitigate flood risk, as a long-term impact of climate change. The remodelled foreshore will provide the improved sea defences for this element of St Aubin's Bay, as envisaged for the medium-term epoch in the January 2020 Jersey Shoreline Management Plan. This opportunity will support the economy and urban environment in St Helier, and (as the Shoreline Management Plan envisages) improve the Island's footpath and cycle network.

The approach to energy use is set out within the Sustainability Statement, and covered in the Design Codes. There is also a unique landscape framework, secured through the Codes, which places landscape at the heart of the proposals, and introduce significant commitments to green infrastructure.

The application provides a strong package when considered against the objectives of Policy SP1.

Policy SP2 sets out the overall Spatial Strategy and confirms that development will be concentrated within the island's built-up area. In particular, development will be focused within the island's main urban centre of Town, which will accommodate much of the island's development needs. The appropriate development of previously developed land and of under-utilised land and buildings will be supported. Development which makes the most efficient use of land, and which optimises the density of development, will be encouraged. Proposals for land reclamation will be supported where they provide an appropriate response to increase the Town's resilience to the impact of climate change and where their environmental impacts are acceptable or can be appropriately managed.

This policy has a considerable overlap with Policy SP1, and the application aligns strongly with its terms. The supporting text to this policy indeed acknowledges that this focus will support the delivery of the new St Helier Waterfront.

Policy SP3 considers place-making and establishes a requirement that all developments must reflect and enhance the unique character of the place where it is located. New development must

contribute to the creation of aesthetically pleasing, safe and durable places that positively influence community health and wellbeing outcomes, and will be supported where:

1. It is responsive to its context to ensure the maintenance and enhancement of identity, character and the sense of place;
2. It is environmentally responsible and sustainable through optimisation of resource efficiency;
3. It enhances and optimises the provision of green infrastructure by integrating existing and incorporating new natural features into multifunctional green network that supports the quality of place;
4. It achieves the highest standards of accessible and inclusive design, having regard to the needs of those with disabilities, is well connected, and creates successful public and private spaces, active frontages, streets and links for all, that work as social spaces, supporting wellbeing and healthy living, and enabling successful integration into a place;
5. It makes provision for all modes of transport in a way that prioritises and supports active travel choices and where such provision is well integrated into the development;
6. Residential development provides housing types and tenures that reflect local housing need and market demand, designed and planned for the long term, and provides good quality internal environments that are comfortable, resilient and adaptable;
7. It is appropriate relative to the capacity of the local community and social infrastructure, and it supports and enables the provision of new or enhanced facilities, where necessary, to enable communities to thrive; and
8. Where required, it has been informed by engagement with the local community.

The objectives of this policy are to ensure the new development needed by the island is delivered in a manner which helps create a sustainable, attractive and safe environment.

In response to the policy objectives, the DAS accompanying the application explains how the proposals have evolved through careful analysis of the character of St Helier, and how the proposals carry this analysis forward into the application through the parameter plans and Design Codes.

The proposals are comprehensive and underpinned by clear strategy for the spaces and places to be created. This will introduce a cohesion that has been a point of concern in earlier

development on the Waterfront. Green infrastructure is a key element of the proposed character, introduced throughout the proposals and at the heart of the framework.

The spatially-appropriate position of the site within the hierarchy of the Places described in the Island Plan has been referenced earlier, and the application will, through the optimisation of previously-developed land in the Built-Up Area, reduce the need to travel by vehicle and the application includes direct provision of infrastructure to priorities active travel, including with a ground plane that seeks to be car-free, plus new footpaths and cycle tracks.

The final housing mix will be for confirmation in each of the phased Reserved Matters applications and this will ensure that it is up-to-date in relation to particular housing needs and standards at those future points in time.

It is a specific objective of the application to create a place which functions as a community and provides for local needs. The application has been prepared with specialist input to consider the facilities and services to support the new population, including retail, commercial, leisure, arts and cultural space, plus social infrastructure (such as children's nursery and GP surgery provision). Most fundamentally, the proposals make a meaningful contribution to the pressing housing requirements of the island (including affordable provision) which will contribute positively to the wider community needs.

Accompanying the application is submission providing a summary of all the community engagement, taking-forward the approach advocated in the South West St Helier Framework SPG. This has been carried through from the pre-application work to public events ahead of the Inquiry. The engagement has been wide-ranging and has included broad community events, interaction with interest groups, direct dialogue with specific organisations and a series of meetings with technical specialists within the Government of Jersey.

As summarised above, the application is considered to meet the objectives of Policy SP3.

Policy SP4 identifies a requirement to Protect and Promote Island Identity and establishes a requirement that all development should protect or improve the historic environment, make a positive contribution to local character and distinctiveness, respect the landscape, incorporate public art and support economic development.

The application is accompanied by a comprehensive bundle of supporting information including the Heritage Impact Assessment, the Environmental Statement and the Design and Access Statement which clearly show how these issues are common threads running through the proposals.

The TVIA and HIA (from the ES) both identify that the development will result in change, and that in this instance the nature of the proposals will include change to views and the setting of key heritage assets, such as Elizabeth Castle. It has been identified in the supporting material that the Waterfront / Esplanade already contains buildings of scale (to 11 residential floors, and to 7 commercial floors) with the 2021 review of the Urban Character Appraisal indicating a massing of “up to 8 storeys throughout but should step down to Waterfront edge” and the adopted South West St Helier Framework SPG then indicating that any building above 7 storeys would require exceptional justification, but that KOS 1 might be the opportunity for a significant increase in height to provide a landmark building.

This is echoed in the Tall Buildings policy of the Island Plan, reviewed later in this submission, which requires any building over 18m in height to be considered relative to the St Helier Urban Character Appraisal (2021), which provides height guidance of “up to 8 storeys throughout”.

The HIA establishes that the setting of off-site heritage is within an environment that is already generally modernised and populated with tall buildings already up to 11 storeys high, and as such the impact of the proposal is minor and manageable within the context of making best use of site in the Built-Up Area. Similarly, the proposals for on-site listed buildings are found to be acceptable within the context of delivering the wider development.

It is also particularly noteworthy that the 2021 review of the Urban Character Appraisal identifies (p98) that the new development that has more-recently been delivered at the ‘New Waterfront’, particularly the International Finance Centre “set a new tone for this part of St Helier in 2020 that is reasonably positive” and that the South West St Helier Planning Framework SPG sets a constructive template for the future development of the area. It is also acknowledged (page 158) that “the International Finance Centre and other developments on the Esplanade have given the area a sense of buzz and has animated the surrounding streets and public realm.” The same deliverables are promoted through this application, with the parameter plans and the Design

Codes articulating the desire for the same outcomes which can be secured in the subsequent Reserved Matters applications.

In this context it is also worth emphasising that the 2021 review of the Urban Character Appraisal identifies (p96) that:

“The New Waterfront’s sensitivity to change is now only low. The upside of this is that the area can act as a safety valve for development that would be too damaging in other character areas. The downside of this is the effect that further development could have on the setting of Elizabeth Castle. “

The objective of protecting the historic environment must therefore be read in the context of the development opportunity, and the ‘scale’ of that opportunity that is consistently advocated for this area – all of which are part of the wider package that the Island Plan seeks to deliver.

Balanced with the other objectives of the Island Plan, it is considered that the application meets the terms of Policy SP4.

Policy SP5 establishes that developments are required to demonstrate how they will protect or improve the quality of the landscape and natural environment within which they are located including biodiversity and connected green networks.

This issue is at the heart of the application, with the Design and Access Statement explaining how a landscape-led approach is right for this site and will clearly deliver the objectives set by this policy.

The ecological context of the proposed development is set out in the application supporting documentation, including an Ecological Impact Assessment from Waterman, following survey work undertaken by Nurture Ecology for the terrestrial elements and AECOM for the marine environment. This work concludes there is limited biodiversity conservation value and enhancement measures are proposed to ensure that best practice measures are delivered to improve the biodiversity of the site, in-line with policy requirements.

The application promotes qualitative and quantitative improvements to green infrastructure and connected green networks, to promote climate resilience, biodiversity, human interaction,

understanding and play, and to deliver soft engineering solutions as a canvas to a new community, with these objectives embedded in the Design Codes.

The application clearly meets the terms of Policy SP5.

Policy SP6 seeks to support a sustainable island economy and protect employment land, including through the protection of existing employment land and floorspace for employment related uses. The policy also promotes the provision of sufficient land and development opportunities, in the right places, for employment uses.

The application includes a range of employment opportunities, which will replicate the activities currently on the site (cinema and swimming pool) and will provide a range of other employment opportunities in the commercial land-uses that are set out in the various phases in support of new community and vision of an active and attractive Waterfront.

Plots G2 and G3 are proposed as primarily office buildings, to complement the International Finance Centre and support this important sector of the island's economy. In the absence of other known commitments, these two buildings would represent a significant element of the medium-term stock of Grade A office space. This is reflected in the "Places" section of the Island Plan (and in Policy EO1) which acknowledges that the provision and flexibility exists for further Grade A office accommodation in and around the Waterfront, where the market requires it.

There will also be short-term benefits as the development is delivered, and according to the Royal Institute of Chartered Surveyors (RICS) for every pound spent on construction in the UK there is a payback through the multiplier effect of £2.84 for every £1 invested, being one of the highest of any sector in the economy. This may be further enhanced in an Island context, and the delivery of this project will therefore be a significant economic stimulus.

The application clearly aligns with the objectives of Policy SP6.

Policy SP7 establishes a priority to plan for Community Needs in both the short and long term. In particular:

1. Residential development must make a positive contribution to the island's housing stock, by delivering homes at optimal densities in sustainable locations, of the right type, tenure and size.
2. New homes must be of a good design, standard and specification that is capable of adaptation to meet the changing needs of individuals and families, including those with disabilities and additional needs;
3. The design of new development should contribute to the sense of place; and support and enable the creation of sustainable communities where people can know their neighbours and have a sense of belonging;
4. Development must make a contribution to physical infrastructure or community facilities where improvements are identified as necessary to meet an impact arising from the development;
5. Development must be located and designed to avoid environmental risks and, where necessary, demonstrate how measures to minimise and mitigate any impacts arising from identified environmental risks have been incorporated, as far as is reasonably practicable;
6. Development must be designed in a way that reduces the potential for crime and the fear of crime; and
7. New or improved public infrastructure will be supported where it is required and will be resilient to future changing needs.

The supporting text associated with this policy is clear that:

"Central to meeting the needs of our community is ensuring that everyone has a safe and secure place that they can call home. To create a strong, healthy and sustainable community is this primary need must be fulfilled."

It continues to explain that:

"the plan also recognises that new homes must be of a design that is sustainable and that this must be achieved by ensuring that new homes are built at optimal density is, relative to where the development is taking place."

These are significant statements which make it clear that meeting the needs of the community is "at the heart of the planning system in Jersey" and a key part of those needs is the delivery of sufficient new homes, in the right places, at optimal density.

The application clearly makes a positive contribution to housing stock, in a spatially appropriate location, at an optimal density. Alongside this it ensures that delivery of homes is accompanied by a range of other activities designed in a manner to deliver a sustainable community, and contributes to a positive sense of place.

The proposals also deliver a significant element of wider public infrastructure, particularly as it delivers the long-awaited connectivity across La Route De La Liberation, so linking the Waterfront with the rest of town. This has been a community aspiration for many years and is now an integral part of the proposals. In addition, the flood risk works will ensure that delivery has long-term benefits associated with managing the impact of climate change.

It is considered that the application aligns strongly with the aspirations of Policy SP7.

VOLUME 2 PLACES

The second section of the Island Plan provides commentary on the different places within the island and sets a context as to how different objectives will be applied.

Given the strategic focus on the town of St Helier, the Island Plan also expands its commentary to set out more detailed aspirations as a strategic “Plan For Town” focusing on the quality of the St Helier urban environment under a series of themes:

A VIBRANT TOWN

- **CONNECT** - one of the key tasks is to address the current degree of severance caused by the ring road, including responding to the challenges presented by the Esplanade and La Route De La Liberation. This is specifically addressed in the application.
- **ENLIVEN** - the application responds to the challenge of delivering a more diverse range of uses within the heart of the town centre by delivering a new residential community and significant improvements to the public realm, thereby creating a more attractive environment in which to spend time.
- **ENHANCE** - the recognised need for higher density must be accompanied by the enhanced liveability of new homes and the neighbourhoods they help create, including

access to open space, the coast and to community support infrastructure - all these points are supported by the proposals.

A GROWING TOWN

- **INTEGRATE** - the pressing need for new housing will often mean developing at densities above the surrounding area, and this requires a design-led approach to optimising density based on an understanding of the site attributes, its context, and the capacity for growth. This commentary also acknowledges that taller buildings can make a contribution to the sustainable densification of town, where they are carefully located and designed in context.
- **INTRODUCE** - this commentary acknowledges that the Island Plan will see the introduction of new and regenerated public infrastructure which specifically includes the continued delivery of the St Helier Waterfront, creating a new quarter for the town and improvements to the pedestrian network, which supports safer more sustainable and active movement across and around town. The Island Plan specifically identifies that the Minister has already published SPG for parts of the town to encourage and enable development opportunities to meet the need of the Island. The Island Plan directly supports the delivery of the objectives of the South West St Helier Planning Framework (and the North Of Town Masterplan) both of which provide opportunities for new development and regeneration.

A SUSTAINABLE TOWN

- **RESTORE** - this statement recognises that attractive and accessible parks, squares and streets make for a better quality of life and support physical and mental health and well-being. The Visioning Framework provides vital green infrastructure with open spaces and trees, which assist with water management, can mitigate and adapt to climate change, contribute to urban cooling, store carbon, and also provide important wildlife habits.
- **PROTECT** - analysis of the character of town is an important tool to guide development and ensure it is integrated within the existing fabric, and the Island Plan text also acknowledges that it can serve to establish those parts of town where there is an opportunity to generate a new character and ensure that this complements and adds to the existing qualities of the town, such as at the New Waterfront.
- **PREPARE** – St Helier will need to adapt to, and mitigate, climate change, and the Island Plan identifies that the biggest challenge is to make town more resilient to the effects of

sea level rise and wave overtopping. The application has this as one of the high-level benefits, but also considers the advantages of looking at a comprehensive package - such as how landscape and planting can assist with mitigating the impacts of high temperatures, how sustainable drainage can help manage surface water issues in urban areas, and how a new approach to energy can be part of a more sustainable building standard.

Policy PL1 then considers development in Town and describes that it will provide land and development opportunities to meet much of the islands development needs over the planned period in its role as the island's primary sensor for economic activity, the provision of public services and infrastructure, and the creation of new homes.

Developments within town must have regard to and consider how it will respond to the plan for town and will be supported where it makes a positive contribution to the strategic concepts of the plan for town in order to help deliver a sustainable future for town and the island.

As reviewed above, the proposals align strongly with the Plan For Town, and the application makes a significant contribution to meeting the development needs of our community, in a spatially appropriate site, with delivery at an optimal density, meeting broader community aspirations in relation to Placemaking.

VOLUME 3 GENERAL DEVELOPMENT

Policy GD1 sets out that all development proposals must be considered in relation to their potential health, well-being and wider amenity impacts. The policy contains three key elements being:

- (1) That the developments will not unreasonably harm the amenities of occupants and neighbouring uses, and in particular will not: (a) create a sense of overbearing or oppressive enclosure; (b) unreasonably affects the level of privacy to buildings and land that owners and occupiers might expect to enjoy; (c) unreasonably affects the levels of sunlight and daylight to buildings and land that owners and occupiers might expect to enjoy; (d) adversely affect the health, safety and environment of users by virtue of

emissions such as lights, noise, vibration and dust/odour.

- (2) That the development has regard to, and seeks to avoid or mitigate the impact of developments on the needs of people with disabilities;
- (3) In the case of land that is known to be contaminated there has been satisfactory investigation into the condition of the site and the development will undertake the appropriate treatments, remedy or removal of the contamination, at the appropriate time.

In responding to these requirements, regard should be had to the suite of supporting documentation which accompanies the application. In particular the Design and Access Statement explains how the scale, form and grain of the proposals will not be overbearing or oppressive.

It must also be noted that the policy framework sets out that the tests are whether there is "unreasonable harm" judged against amenities that "owners and occupiers might expect to enjoy".

These terms are deliberate and there is a clear acceptance that the process of change may involve *some* harm, with the policy threshold being *unreasonable* harm. This is a relative test in relation to the amenities that owners and occupiers *might expect to enjoy*. Case law in the Royal Court Judgments for both *Winchester* and *Boyle* placed a significant emphasis on the strategic layers of planning policy that seek to focus new development into the Built-Up Area, and the implicit change to amenities that will emerge as a result of this strategy. The Plan seeks to double the rate of housing delivery when compared to trends over the last decade, with a strategy that focuses new developments into the Built-Up Area, specifically the town of St Helier. Any consideration of amenities should, according to both *Winchester* and *Boyle*, be understood in this context.

The submitted ES includes chapters on Air Quality and Noise & Vibration, which consider the situation both in the construction and the operational phase. Subject to the implementation of measures in a Construction Environmental Management Plan the residual effects would be negligible and therefore not significant.

Daylight, Sunlight and Overshadowing are also key considerations when reviewing impacts on amenities and there is also a chapter in the ES on this issue. An assessment has been undertaken in accordance with the BRE 'Best Practice' which, in conclusion, considers that the levels of daylight and sunlight retained by neighbouring properties are commensurate with those typically achieved in urban locations - and are therefore not unreasonable.

The application proposes, in relation to people with disabilities, an inclusive environment which has purposely been designed to maximise pedestrian areas and reduce the impact of vehicles. All requirements in relation to Building Byelaws will be met through the assessment process in the detailed reserve matters applications.

Chapter 13 of the submitted Environmental Statement includes the work done in relation to ground conditions and excavation waste, explaining the baseline conditions and intended approach of the application – all of which is controllable through the Reserved Matters applications and a framework of conditions attached to any grant of permission.

It is considered that the application accords with the requirements of Policy GD1.

Policy GD2 requires Community Participation in Large Scale Development Proposals.

The application is accompanied by a submission setting out the summary of the community consultation undertaken during the production of the application, a summary is also provided within the Design and Access Statement. This explains the extensive work done to engage with the public and a wide range of stakeholders, Government bodies and Third-Sector groups.

The need for legitimate engagement, with ideas and thoughts fed-back into the project is rightfully advocated by the South-West St Helier Framework as a means to ensure continuous dialogue with interested parties as plans for the wider area also emerge. The engagement undertaken by the project team has built-on the original work undertaken in the production of the Supplementary Planning Guidance and the nature of the application, with the outline phase to be followed by reserve matters applications, ensures that consultation and dialogue will be ongoing into the next stages of the process.

The limitations of COVID-19 meant that the engagement has been undertaken by a variety of methodologies with traditional media and direct dialogue supplemented by innovative methods including websites surveys, and digital 'augmented reality' tours around the Waterfront.

The consultation and engagement work has been ongoing throughout the life of the application itself, and has included open events ahead of the Public Inquiry. The proposals have been subject to several rounds of changes, reflecting the feedback from the consultation exercises.

It is considered that the terms of Policy GD2 have been met by the application.

Policy GD3 discusses Planning Obligation Agreements, which will be entered into where they are necessary to make the development acceptable in planning terms, directly related to the development and fairly and reasonably related and scaling kind to the developments. The use may relate to the delivery of infrastructure or services that may be deemed necessary, on or off sites, to control occupation or any specific activities taking place at a specified time. Whether or cost implications, negotiations may take place in order to agree the means by which requirements are to be delivered.

The applicant understands the approach set out by the policy and will engage with the planning authority to address any matters that are required to be delivered through a Planning Obligation Agreement. It should be noted that the application includes a significant amount of public benefits which are to be directly delivered, most notably the coastal defence works, community facilities and enhanced connectivity / active travel infrastructure.

Policy GD5 considers the demolition and replacement of buildings, setting out that this will only be supported where it is demonstrated that:

- (1) It is not appropriate in sustainability terms, and or economically viable, to repair or refurbish it;
- (2) The proposed replacement building or part of a building represents a more sustainable use of land having regard to the density of existing and proposed development, overall carbon impact, waste generation, and the use and performance of materials and services; or
- (3) There exists a demonstrable aesthetic and practical benefit to replace over refurbishments.

The supporting text for this policy confirms that:

“determining whether it is appropriate to reuse or demolish existing buildings will always depend on the in the supporting text for this policy confirms that determining whether it is appropriate to reuse or demolish existing buildings will always depend on the individual merits of the proposal. A recent and balance judgements must be made in each case as to whether the wider benefits of a proposal, especially in terms of utilising land in the most efficient and appropriate way relative to its location, its overall carbon impact and wider environmental gain, outweigh any adverse effects that may result.”

In reviewing the specific wording of the policy it is also apparent that the use of “or” ahead of the first criterion separates it from the first and second test. To put it another way, the wording of the policy does not require compliance with all three tests, rather criteria 1 / 2 or 3.

This application does propose to clear several buildings from the site - primarily the existing Waterfront leisure complex. In this instance a case can be made against all the requirements.

In relation to the first and second objectives it is highly relevant that the buildings proposed for demolition are the leisure complex comprising a multiplex cinema, swimming pool, private members gym, and associated restaurants. These are primarily simple lightweight ‘leisure box’ structures and, particularly relevant for the cinema and swimming pool, they were only ever intended for one end user. These buildings are likely to have poor thermal performance, and not be compliant with current standards. As is identified in the submitted Sustainability Statement there is little scope to upgrade the existing buildings – or convert them to new homes. Equally, due to their physical form there is proportionately less waste generated than for masonry structures, and due to the (predominantly) lightweight construction methods the potential for recycling their fabric is relatively high.

If the existing buildings were to be retained then the open question is, “to what end?”

Many consider that the swimming pool has never fulfilled its potential, falling short of the specification suitable for competition. There are also commercial questions around demand for a 10-screen multiplex cinema in relation to evolving entertainment markets. The retention of these existing buildings would mean that phases D, E and F of the proposed development do not

proceed, removing 451 new homes from the yield, which is approximately 50% of the site potential.

This would not align with the clear Island Plan objective ensuring that developments deliver to optimal densities, particularly on a site which is probably the best place in the island to deliver in the proposed form, particularly taking account of its spatial credentials – which help deliver sustainable development patterns. In the context of pressing housing needs this capacity would need to be found from alternative sites and, by way of example, the lost yield through the retention of the leisure complex (circa 450 homes) would be roughly the same number of units (circa 460 homes) as ALL the rezoned land in the Island Plan (Policy H5).

Retaining the existing buildings would mean that other opportunities are also lost, not least the improved connectivity through the proposed enhancements to the footpath and cycle network along the dual carriageway and the overall coherence of a comprehensive place making exercise. The failure to deliver an optimum density we’re also impact on overall viability and may jeopardise the package of flood defence improvements which will benefit the wide area and overall island economy.

It is also clear that Plan-led policy hierarchy envisages that these buildings are to be removed.

For example, it should also be noted that in the context of Policy CI5 the application will accord with the requirement that:

“the redevelopment of the public swimming pool and/or cinema on the St Helier Waterfront will be supported where the prior provision of alternative facilities in town can be assured, which may be secured through the use of planning obligation agreements, as required.”

The commentary within the Ministerially-adopted Supplementary Planning Guidance for the South West St. Helier Planning Framework, also identifies that the existing Aquasplash / Cineworld buildings “are not of any aesthetic value and present a brutal, visual barrier separating town from the Waterfront. In effect, the buildings have turned their backs on town.”

The adopted SPG also therefore clearly identifies the issues with retaining the existing building.

The potential is evident by “Aquasplash / Cineworld” being identified as Key Opportunities Site 3, which seeks to secure improve connectivity across the dual carriageway and through the Waterfront, and deliver more relevant architecture and building forms that present attractive and inviting facades on all sides, visually reconnecting the sites with town.

The objectives of KOS3 would not be met by the retention of the existing buildings. In turn, this would mean that the objectives of the Spatial Strategy and Places elements of the Island Plan would not be met as both these sections of the plan support the continued delivery of the new St Helier Waterfront.

It is therefore clear that on the basis of high-level spatial sustainability and the objectives of securing optimum use of land in the most appropriate locations, plus the demonstrable aesthetic and practical benefits (as noted above) that the demolition of the existing Aquasplash / Cineworld complex is justified, and as such the application aligns with the requirements of Policy GD5.

Policy GD6 considers Design Quality and requires a high quality of design that conserves, protects and contributes positively to the distinctiveness of the built environment, landscape and wider setting, in accordance with principles of good design. The policy then sets out eight criteria on design issues, which are required to be demonstrated in all applications.

The application is accompanied by a comprehensive Design and Access Statement and Design Codes which, when read with the parameter plans, provide a compelling narrative which runs through an understanding of the site and its context, leading to a detailed justification of the envisaged architectural approach in the context of the framework provided in the Design Guidance for St Helier (SPG).

This exhaustive work also explains how the rounds of engagement with the public, statutory consultees and other third sector bodies has been layered into the evolution of the proposals, reflecting the importance given to this in the South West St. Helier Framework. All the feedback from this unprecedented consultation work is summarised in the Design and Access Statement which includes the valuable inputs of the Jersey Architecture Commission, as a “critical friend”, and the numerous rounds of pre-application discussion with the Planning Department.

The application is presented as an outline proposal, with all matters reserved, with the submission of “for approval” design codes providing the stepping stone to allow the decision-maker to have the confidence that the detailed reserve matters applications will deliver the objectives of Policy GD6.

Policy GD7 is titled Tall Buildings, considered as those which are two or more stories above the prevailing contextual height, or over 18 m high. The policy sets out seven tests which are required to be met for applications to be supported.

The policy considerations, and response of the application, are set out below:

- (1) It is well located and relates well to the form, proportion, composition, scale and character of surrounding buildings and its height is appropriate to the townscape character of the area. In town this should be considered relative to the St Helier Urban Character Appraisal (2021) building height guidance.

The Design and Access Statement explains, in detail, through analysis of the surrounding area how the proposed scale and form relates well to the existing townscape character of the area. The office buildings on the Esplanade form the northern fringe of the sites, and recent completions in the last decade have been five, six and seven commercial stories, plus plant. The International Finance Centre also has completions and commitments of the same scale. To the south of the site, Castle Quay has six residential floors on top of a double-heights ground floor commercial level. The three buildings of horizon form a group of nine, 10 and 11 storeys (a height of +47.48m AOD). Given this context, the “New Waterfront” is given a great deal of commentary in the St Helier Urban Character Appraisal (as considered at several other points in this Statement), and the building height guidance is set out as “up to 8 stories throughout but should step down to the Waterfront edge.” The application delivers clearly to these terms.

- (2) It does not unacceptably harm longer views and context at street level;

Issues relevant to views are considered in both the TVIA and the HIS, included as part of the Environmental Statement. Both documents explain, according to their methodologies, that there will be negative impacts in some views, including from Fort Regent. It is also clear that there will be some beneficial outcomes in relation to the delivery of an attractive, coherent and legible

environments, replacing the current dominance of car parking.

The question of whether the proposals will “unacceptably harm” needs to be considered in relation to the complete package as presented in the application. This should take into account the core objectives of the application in relation to the delivery of new homes in a coherent new place, with improved connectivity, in a highly sustainable location, at an optimal density to support meaningful reductions in carbon emissions through the promotion of active travel opportunities, plus the package of environmental benefits including the improve sea defences.

It is also noteworthy that the St Helier Urban Character Appraisal Review discusses the “development dilemma” and (to paraphrase its commentary) on the basis of a high demand for new housing, and the values to be attributed to the sensitivities of other parts of St Helier, then the New Waterfront is a preferred location for new residential development.

Within this context it is clear that any perception of harm cannot be considered as unacceptable, and therefore the policy terms are met.

(3) It incorporates the highest standards of architecture and materials;

As considered earlier in relation to Policy GD6, the DAS and ‘for approval’ Design Codes provide the commentary which demonstrates how the highest standards of architecture and materials will be delivered, providing confidence on this point through the detailed design stage of Reserved Matters applications. The proposals therefore aligned with this element of the policy.

(4) It has ground floor activities that provide a positive relationship to the surrounding streets, and public realm:

Again, the DAS and Design Codes explain how the application has approached this issue. The introduction of typologies has enabled a clear understanding of how each Area within the development is expected to function, and have a unique character. Part of this is the range of ground floor activities which have been carefully considered to appropriately animate the streets and public realm, providing (for example) local needs retailing, Food & Drink outlets and community/leisure facilities, as required by this element of the policy.

(5) It does not adversely affect the locality in terms of microclimate, wind turbulence, overshadowing, noise, reflected glare, privacy and amenity of surrounding buildings:

The application is accompanied by a full suite of technical assessments on these issues as part of the Environmental Statement. There are no particularly notable issues emerging from the relevant analysis, and therefore this element of the policy is complied with.

(6) It contributes to improving the permeability of the site and wider area.

Enhanced permeability is a key objective of the application both to deal with the current severance caused by the dual carriageway, and to improve connectivity through active travel routes within the application sites, linking to the wider network of footpaths and cycleways. The objectives of this criteria are met by the application.

(7) Its height can be fully justified in a design statement.

This is a rather open-ended requirement, and it is considered that the submitted design and access statement provides a comprehensive narrative to justify the presented heights. The issue of heights should, as has been referenced throughout this statement be considered as one issue amongst a package of other factors to be considered in the determination of the application, not least the pressing housing needs in the island, the improvements to connectivity, and the delivery of improved sea defences.

This latter point is also relevant to the penultimate elements of Policy GD7 which sets out that the development of a tall building, of over eight storeys, within town will only be supported in appropriate circumstances and where the overall benefit to the community will demonstrably outweigh any adverse impacts. Whilst the heights proposed in this application do not exceed eight storeys, this element of the policy is a clear acknowledgement that any perceived harm around the issue of heights must be balanced, within the terms of this policy, against the wider package of benefits delivered by the whole application.

The application clearly meets all the tests within Policy GD7.

Policy GD9 requires that the skyline, strategic views, important vistas and the settings of listed buildings, places and key landmark buildings must be protected or enhanced. Where development does lead to adverse impacts it will only be supported where the overall benefit to the community of the proposal demonstrably outweighs the adverse effects of any harm.

This policy is very similar to GD7, considered earlier. The information submitted with the application acknowledges that there will be negative impacts in relation to some key views, notably Fort Regent. This must be considered in the context of a Plan-led system, and the hierarchy of planning policy which identifies the Waterfront as a site for new developments (at heights of up to 8 storeys) and it must be considered in the context of a package of community benefits, as presented in the application. On this basis, within the framework of the policy, it is considered that the application meets the terms of GD9.

Policy GD10 requires a contribution to public art of approximately 1% of the total construction cost.

The applicant is happy to engage with this policy, which will be delivered in detail for each of the future detailed Reserved Matters applications. It is envisaged that the Percentage for Art proposals will be focused on a program within the development site including events and cultural production by local artists in collaboration with the community, so meeting the terms of the policy.

Policy NE1 relates to the protection and improvement of biodiversity and geodiversity, requiring that all new development must ensure that the importance of habitats, designated sites and species is taken into account and should seek to improve biodiversity and geodiversity value and, where possible, to deliver biodiversity net gain.

The application is accompanied by a detailed Arboricultural Report which is referenced in the Design and Access Statement, read together, this package of documentation shows how all efforts have been made to retain existing trees but primarily through changes to the site levels a number will need to be removed. Any loss is more than compensated by a new strategy that significantly increases the tree numbers on site, to the benefit of local biodiversity and the wider amenity value of the area.

The work undertaken by Nurture Ecology and Gillespies, presented in the EIA and the DAS concludes there is limited biodiversity value on the site and sets out significant enhancement measures are proposed to ensure that best practice measures are delivered to improve the biodiversity of the site. These enhancements are both qualitative and quantitative and are set out in the design codes, so can be secured through the detailed Reserved Matters applications, to ensure compliance with this policy objective.

Policy NE2 requires that development must protect and improve existing green infrastructure assets, and contribute towards the delivery of new green infrastructure assets and wider green infrastructure networks.

As per Policy NE1, the application considers these issues to be at the heart of the proposals, with the parameter plans and Design Codes clearly showing how existing green infrastructure is retained and enhanced throughout all aspects of the proposals, plus including how green infrastructure is retained and enhanced throughout all aspects of the proposals. This includes enhanced planting within existing green spaces, and every opportunity being taken for new planting as part of a landscape-led approach. Including in the lane ways, within the central reservation of the dual carriageway, along the footpath and cycle network and in new amenity areas, including at roof level.

Policy NE3 requires that new developments must protect or improve landscapes and seascapes character, with the highest level of protection being given to the Protected Coastal Area and its setting.

The current foreshore is defined as part of the Protected Coastal Area and with reference to the Integrated Landscape and Seascape Character Assessment (ILSCA) this forms part of Coastal Unit 11, St Aubin's Bay.

The ILSCA considers that future development in St Helier may additionally affects the character and views within this coastal unit. The core of St Helier includes many large buildings and the dense urban area is separated from more dispersed house into the west by the wooded escarpment. The objectives for this area include that to the firm settlement edge of St Helier should be retained, and that development should be avoided in prominent locations on the

escarpment and where it would breach the skyline. The proposals within this application do not harm this objective.

It is also recognised in the ILSCA that the recommendations of the Jersey Shoreline Management Plan may involve improving sea defences and their extension further out to sea. It is acknowledged that the eastern part of the Esplanade is dominated by cars and traffic on the dual carriageway and is consequently less attractive for walking and cycling than the western area where intervening planting provides a degree of screening. The guidance in the ILSCA sets out that any work to sea defences should be carefully designed to protect key views including to Elizabeth Castle. The guidance also asks that opportunities should be taken to enhance public access and the enjoyment of the coast, for example extending esplanades and creating linear parks with substantial ornamental planting, with consideration given to removing all but essential car parking and using planting to buffer road traffic.

This is exactly what the application seeks to deliver and it is therefore considered that the Application will both protect and improve landscapes and seascape character in accordance with the objectives of Policy NE3.

Policy HE1 sets out that any proposal that could affect a listed building, or place, or its setting, must protect its special interest. Proposals that do not protect a listed building or its setting will not be supported unless:

- (a) The changes are demonstrably necessary either to meet an overriding public policy objective or need; and
- (b) There is a go reasonably practicable alternative means of delivering those proposals without harm to the heritage values of the listed building or its setting; and
- (c) That harm has been avoided, mitigated and reduced as far as reasonably practicable; and
- (d) It has been demonstrated predicted public benefits outweighs the harm to the special interest of the building and its setting and where the nature of that benefit to the public is clear, direct, and evidenced.

As has been considered earlier in relation to Policies SP4, GD7 and GD9 the package of information submitted with the application acknowledges that there will be impacts in relation to the setting of listed buildings, including Elizabeth Castle and Fort Regent. As has been discussed earlier, any form of development on the Waterfront is likely to have some such impact. Indeed,

the same outcomes have been accepted through the process of change that has gone on both in recent years with the existing developments at the Waterfront which has inevitably changed the historic setting of key assets, and further back in time, with the land reclamation projects and establishment of the Esplanade.

As has been referenced earlier, the St Helier Urban Character Appraisal Review acknowledges that due to the demand for new housing, and the values to be attributed to the sensitivities of other parts of St Helier, then the 'New Waterfront' is a preferred location for new residential development. Such development is clearly advocated by the 'plan-led' planning system in Jersey, with the delivery of the adopted South West St Helier Framework Supplementary Planning Guidance being referenced as an objective of the Island Plan. Additionally, the strategic policy framework of the Island Plan clearly places a focus on securing optimal delivery from sites such as spatially-appropriate brownfield opportunities at the Waterfront, and that meeting the housing needs of the community are at the heart of what the planning system is seeking to deliver.

In this context it is considered that there is an overriding public need for development of the form and nature proposed in this application and that the alternative scenarios to meet this need are likely to result in other forms of harm, and that the proposals have been carefully considered to both avoid and mitigate any harm, as far as is reasonably practicable. The application has indeed been led by the content of the adopted Supplementary Planning Guidance covering the site, which supports these considerations, and demonstrates the public benefits.

The direct implications for on-site heritage assets are considered within the submitted Heritage Impact Assessment which identifies that no wholesale demolition or substantial alteration of any listed building is proposed. Demolitions are confined to modern additions to the German casemate and will help restore its original form. Part of the original Esplanade seawall would be removed, but this is justified by reference to improved pedestrian connectivity between the Waterfront and the town centre, and mitigated by other improvements to the same asset. Also, La Fregate is proposed to be relocated, providing this structure with a positive setting and use.

Policy HE1 acknowledges that natural tensions may arise when seeking to protect listed buildings and their settings, whilst also meeting the communities economic, social and environmental objectives. It is therefore considered that, on the basis of the balanced assessment within the policy, that the application demonstrates compliance with its terms.

Policy ER1 considers retail and town centre uses, and seeks to support the vitality and viability of the St Helier core retail area. This policy also sets out that proposals for the development of retail floorspace over 200 m² may be supported within the wider St Helier town centre where it can be demonstrated that they do not harm the primary retail function of the St Helier core retail area.

The application site is within the defined Town Centre, but outside the Core Retail Area. The supporting text (page 152) acknowledges:

“this Island Plan supports the provision of retail, in addition to a wider range of town centre uses – including leisure and entertainment, arts and culture, civic and daytime and evening economy – across the defined area of the town centre across the defined area of the town centre.”

In addition, the Plan is clear that a balance needs to be struck to avoid undermining the attractiveness of the core retail area as a shopping destination, hence the requirements for any developments of retail floorspace over 200 m² leading to demonstrate that it does not harm the primary retail function of the core retail area.

The application proposals, developed with the input of WSP Economics, include a total of 1,296 m² of retail floorspace split amongst five separate plots. Two of these are very small in scale, being the pavilions within areas of open space. The remaining provision of 1,176 m² is split across plots C, D and E.

It is quite clear from the adopted South West St Helier Framework Supplementary Planning Guidance that an element of retail activity is expected within the site, indeed the Community Expectation (set out at GP3: Uses) is;

“To enjoy a vibrant and colourful district with community facilities, shops, cafes and restaurants which remain lively during the evenings and at weekends, all year round.”

The proposed retail floorspace is very modest, representing less than 1% of the gross floorspace within the application. The retail element has been included to deal with ‘local needs’ and is part of the creation of a new community, to be focused on convenience shopping (a food store) to serve the new population at the development (likely to be in excess of 2,000 residents). This new commercial capacity will ensure that the modest amount of retail space does not compete with the town centre.

It should also be noted that the site is separate from the existing retail offer in the centre of St Helier, which continues to trade strongly, retaining all its key anchor stores, with significant new arrivals to the ‘high-street’ (including Sports Direct relocating from an out-of-town site) and with a relatively low level of vacancy. In addition, the residents living at the new development will add to the existing customer base for town centre retail outlets and will help to increase potential footfall within the town centre.

The proposed modest amount of retail space will therefore serve a distinct new local market and will not adversely affect existing retail businesses in the town centre, so aligning with the tests of Policy ER1 (which are repeated in ER2).

Policy EO1 confirms that new development which provides for a range of different types of office accommodation will be supported where it is of a scale and type appropriate to its site and context. Large scale Grade A office accommodation will be encouraged in and around the International Finance Centre.

The application includes two new office buildings at plots G2 and G3, adjacent to the International Finance Centre, so according with the terms of this policy.

Policy H1 considers housing quality and design, setting out that proposals for the development of new homes should provide good quality accommodation which:

- (1) Provides easy to use and adaptable internal space as well as private amenity which meets or exceeds adopted standards;
- (2) It safeguards privacy and minimises exposure to noise;
- (3) It maximises opportunities for daylight, sunlight and natural ventilation, avoiding single aspect plan forms; and
- (4) Where relevant it provides shared internal and external community spaces that contribute to the creation of sustainable communities where people can meet their neighbours.

The supporting text confirms that this Island Plan has a fundamental role to play in addressing the availability and cost of housing in Jersey. It also acknowledges that planning for homes to meet the communities need is not just a matter of numbers, but also about creating good quality residential accommodation which is responsive to the changing way we live, work and spend our

leisure time, and to ensure that new development integrates with and can strengthen existing communities.

Although the application is in an outline form, in order to provide a realistic approach the design assumptions for the unit sizes have been the adopted figures within SPG Policy Note 6, Specifications For Housing Developments. We are aware that the Minister has recently issued a draft SPG for consultation on Residential Space Standards however there is no indication as to whether this will be adopted in its presented form, and to what timetable. Any future reserved matters applications may need to accord with updated Standards in relation to unit sizes and amenity space that may be adopted at the time of their determination.

In relation to the requirements to minimise exposure to noise, and maximise the opportunities for daylight, sunlight and natural ventilation, and to avoid a single aspect plan forms, reference should be had to the material submitted with the application, in particular the noise and vibration assessment prepared by Waterman, and the sunlight / daylight assessments prepared by Hollis.

Recognising the application is in outline, there is acknowledgement within the Design Codes of the need to minimise single aspect units, with a particular desire to avoid north facing single aspect units. Section 5.16 of the Codes identifies options for mitigating this issue, which will be considered when the full design is assessed in future Reserved Matters applications.

The application material, particularly the DAS, explains how the vision and the approach advocated in the Codes seeks to create the shared spaces that will assist in creating a new community and a sense of belonging which is a core objective of the proposal.

On this basis the application is considered to accord with Policy H1.

Policy H2 discusses housing density and advocates a positive design led approach for the provision of new homes on all sites within the Built-Up Area to ensure optimum efficiency in the use of land.

The policy discusses that the appropriate density for any sites will be informed by the quality of design relative to the nature of the site and its context; the quality type and mix of homes being created and its contribution to sustainable communities; the level of accessibility by walking,

cycling and public transport; and the quality and quantity of amenities space.

Residential developments will be supported where it meets or exceeds the adopted minimum residential density standards, and proposals for five or more homes should be supported by schedule of accommodation and a density statement.

It is noted that the Minister undertook consultation in October and November 2022 on draft Supplementary Planning Guidance for the density of residential development, since when there has been no update published and it is unclear how this will be progressed.

Notwithstanding this, and being conscious of the policy advocating a positive design lead approach, rather than a mathematical one, the position in relation to the proposal is:

- the site area is 11.55 ha and 984 homes are proposed, so this is a density of **85 units per hectare (gross)**;
- the indicative unit mix has been presented as 460 x 1-bed (46.75%) 328 x 2-bed (33.33%) and 196 x 3-bed (19.92%). This unit mix has been assumed for the purposes of the outline application, and will be confirmed in each subsequent reserved matters application, dependent on needs at each future point in time;
- on the basis that a 1-bed unit has 2 habitable rooms, a 2-bed unit has 3 habitable rooms and a 3-bed unit has 4, then this would be **232 habitable rooms per hectare (gross)**.

For comparative purposes the draft Supplementary Planning Guidance advocates:

- a minimum density in the Town of St Helier of 50dph;
- a range of density of between 80-150dph;
- anything over 150 dph should have a management plan;
- anything over 350 dph will not generally be supported.

It is also apparent that the draft Supplementary Planning Guidance asks for density to be considered on a net basis (removing elements of infrastructure and services that might serve a wider area, such as significant landscape buffers, public roads or other community infrastructure) but this does not take into account how net density might be calculated for a development where there is a vertical mix of uses, included a ground floor in a non-residential use and amenity space / terraces at roof level, which adds vitality to the proposal, and optimises site efficiency. This

aligns with the position set out in the policy, that a “design-led” approach, rather than a mathematical one, is the appropriate way of considering this issue.

The Island Plan objective is ultimately to ensure best use of sustainably-located urban sites and the wording of adopted Policy H2 advocates a design-led approach. Notwithstanding this, however the gross / net calculation is undertaken, the proposals appear to be also within the mathematical range of the draft SPG and therefore comply with this policy.

Policy H3 considers the provision of homes and identifies that the Island Plan makes provision for the supply of up to 4300 homes to the end of 2025.

Clarity around what this actually means can be had by reference to the supporting text accompanying this policy. This figure is based on a recognition that population growth over the previous Island Plan period (2011 to 2020) was significantly higher than the anticipated 325 people a year, averaging around 1,000 people a year. Because of this a net shortfall of 1,800 homes has risen. When this undersupply is considered against changes in aging and dwelling patterns the housing supply target for the five-year period (from 2021 to the end of 2025) is set at 4000 homes. This also recognises a continuity of supply in the transition between the old plan and this plan, and on to the next long-term Island Plan, equating to a minimum supply rate of 800 homes per year.

This acknowledges that today’s permissions are tomorrow’s completions, but it fails to explain how the minimum supply rate is likely to be achieved. 800 units per year represents a doubling of the delivery rates that were achieved, on average, over the previous Island Plan period (2011 to 2020) of about 400 units per year. It is also relevant that the most recent published data (being the Housing Land Availability and Site Assessments submitted by the Government of Jersey at the Examination In Public of the Bridging Island Plan, and available as part of the evidence base) shows that the completions in 2020 were 331 units and in 2021 were just 321 units (nowhere near the required 800 units per annum, and noticeably lower than the previous 10 year average when we should be doubling this rate).

It is also notable that the Island Plan evidently requires a doubling in the rate of housing delivery, but does not do much to directly facilitate this.

In the context of an agreed requirement of 4000 new homes over the five-year plan period, the Island Plan makes site-specific provision for only approximately 460 new homes (on rezoned sites). This is just 12% of the total 4000 unit requirement, being approximately seven-months supply. The Bridging Island Plan then mandates that these allocated sites can only come forward after the adoption of site-specific development briefs, and despite passing the first anniversary of the adoption of the Island Plan, the necessary development briefs have not even been published for initial consultation. The need to go through this process, plus the need to then prepare the necessary planning applications, navigate through the regulatory approvals process (including building control) and then actually physically deliver these units on-site, means that the accommodation is highly unlikely to be completed before the end of 2025 (i.e. delivery will be outside the current plan period).

The balance of the necessary supply is anticipated to be met by windfall sites which are not designated in the Island Plan and appear to be extrapolated from data in relation to previous delivery rates (which we know did not exceed 400 units a year).

In general terms, the required windfall sites in the Built-Up Area of St Helier are becoming rarer, as the more straightforward opportunities have already been delivered. It is also clear that large issues, such as the new hospital, are yet to be concluded politically and that this has an impact on housing supply. For example, the Revere and Stafford hotel site (with permission for 106 new homes) has now been purchased by the Government in anticipation of being needed for a two-site solution for the hospital. Similarly outline planning permission was in place for 121 new homes on the Jersey Gas site, but this has now lapsed, and the site is part of a political debate about a possible extension to the Town Park.

It is clear that performance against the housing delivery targets set within the Island Plan is significantly below the requirement of 800 units per annum. It is also clear that, as was the case with the previous Island Plan, under-performance only compounds future problems. Although data for 2022 has yet to be published it is likely to be (at best) comparable to the figures for 2020 and 2021. If we have delivered, say, 650 units in the first two years of the Bridging Island Plan period, then when set against a requirement of 4000 homes to the end of 2025 this now equates to a requirement of over 1100 units per annum for the remaining three years. This application therefore represents less than one-year’s supply.

There are large schemes working through to completion (such as Ann Court and Horizon) but these are legacy permissions and the forward-looking pipeline from the policy context within the current Bridging Island Plan is weak.

Within the introductory text to the Island Plan (page 9) the Minister for the Environment recognises this issue and there is a quote from an Environment, Housing and Infrastructure Scrutiny Panel (September 2020) where he Minister states:
“we are in a serious, serious problem about housing issues. I think that is probably one of the biggest areas the probably the majority of States Members are really focusing on in the new plan”

This is again referenced in the supporting text of Policy SP7, as reviewed earlier, where it is clear (to paraphrase) that the planning system must meet the needs of the community, and at the heart of those needs is a requirement to ensure that everyone has a safe and secure place that they can call home.

A proportionate consideration must therefore be given to the pressing need for the delivery of new housing at twice the recent average rates. As a strategic policy objective (in the context of current performance) this need to be of very significant weight.

The application clearly delivers strongly against the requirements of Policy H3.

Policy H4 is titled Meeting Housing Needs and confirms that support will be given for new housing where it can be demonstrated that it contributes to meeting identified needs, having regard to the latest evidence. Residential development of five or more dwellings should, in particular, include a proportion of smaller homes to encourage and enable ‘right sizing’ where appropriate.

There is no clear Ministerial statement as to current expectations relating to a breakdown of housing needs, however, available sources indicate that there are pressing needs across all sectors, as per the table below taken from the Statistics Jersey publication in relation to Future Housing Needs 2019 - 2021.

Type / size		Total supply	Total demand	Surplus	(Shortfall)
Flat	1 bed	3,960	4,270	...	(310)
	2 bed	1,810	1,910	...	(100)
	3 bed or more	300	350	...	(40)
House	1 bed	460	780	...	(320)
	2 bed	960	1,880	...	(920)
	3 bed	1,650	2,710	...	(1,060)
	4 bed or more	1,220	1,140	70	...
Total		10,360	13,040	70	(2,750)

The assumed mix for the purposes of this outline application is 460 x 1-bed (46.75%) 328 x 2-bed (33.33%) and 196 x 3-bed (19.92%). As has been confirmed previously this will be a phased delivery over at least a decade and should housing needs changing that period then the mix for each future Reserved Matters application will be adjusted accordingly.

The application delivers positively against the requirements of Policy H4.

Policy H5 is concerned with the provision of affordable homes and confirms that where States-owned companies’ land is brought forward for the development of new homes these should be for affordable homes unless it has been otherwise approved that the development needs to specifically provide open market homes, particularly where this is required to ensure the viability of public realm and community infrastructure delivery, in line with an approved Government plan. In such cases, a minimum of 15% should be available to eligible persons in accordance with Policy H6, for assisted purchase housing.

The position in relation to the application site is set out within the Government Plan 2023 – 2016, as confirmed by the extract below.

Waterfront	Minimum 15% assisted purchase	A proportion of assisted purchase homes and, public realm improvements, including landscaping and new shared open space; a new sports facility; improvements to sea defences and access; improvements to Route de la Liberation and the Esplanade; and a modern public parking facility.
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The proposals include for a minimum of 15% for housing provision, to be secured through a Planning Obligation Agreement and therefore accord with the terms of Policy H5.

Policy H6 is concerned with making homes more affordable and sets out, as referenced in Policy H5 that access and eligibility criteria for such homes will be established and maintained by the Minister for Housing and Communities. It is also set out that this policy will be in effect from January 2023 following the development and publication of appropriate assisted purchase products and eligibility criteria, as relevant to the application of this policy.

At the time of writing, the relevant products and eligibility criteria have yet to be published however given that this is an outline application, to be followed by Reserved Matters applications, it is envisaged that the Minister will have published, consulted on, and adopted the relevant guidance in advance of the final detailed phase of the planning application process, and that the proposals can align with whatever terms emerge.

Policy ME1 sets out that proposals for the construction of new dwellings will only be supported where they outperform the Target Energy Rates set by the current Building Bye-Laws, by 20%.

The proposals have evolved in full knowledge of this requirement, and advice has been taken in relation to energy requirements throughout its evolution. The submitted Sustainability Statement explains how an evolving approach will consider both fabric efficiency and energy efficiency, including the use of renewables in order to meet this objective.

This work would continue through the detailed design stage and, as envisaged by the wording of the policy, it will be secured by condition and tested for compliance at the point of the Building Bye-Laws application being made.

The application therefore aligns with the requirements of Policy ME1.

Policy ME2 sets out that the development of new non-residential buildings of over 1000 m² will only be supported where they are designed to meet the latest BREEAM New Construction minimum standards and be capable of achieving a ‘very good’ rating.

The applicant has confirmed that they are aiming to achieve, at least, a BREEAM ‘very good’ rating, and is targeting ‘Excellent’.

The requirements of Policy ME2 will therefore be met by the application.

Policy ME3 is concerned with air quality and increased emissions and requires that any development that would have a significant adverse effect on air quality will not be supported.

This topic is considered within the Environmental Impact Assessment both for the construction and operational stage of the development. A range of measures to minimise or prevent dust and reduce exhaust emissions from construction activities will be set out in the Construction Environmental Management Plan and implemented during the demolition and construction works.

Thereafter, it is considered that effects on air quality would be negligible and the requirements of Policy ME3 are met.

Policy CI4 sets out that proposals for the development of new community facilities will be supported well proposal is within the built-up area.

As part of the Placemaking objectives, the application proposes flexible cultural and community spaces and social infrastructure, envisaged as a GP’s doctors’ surgery, dental practice, and children’s daycare nursery. This aligns with the objectives of Policy CI4.

Policy CI5 confirms that the development of new or extended large-scale sports, leisure and cultural facilities will be supported within the designated Sports and Leisure Enhancement Area, which includes the Key Opportunity Sites in the South West St Helier Planning Framework area. The policy also sets out that the redevelopment of the public swimming pool and/or cinema on the

St Helier Waterfront will be supported where the prior provision of alternative facilities in Town can be assured, which may be secured to the use of planning obligation agreements, as required.

As set out earlier the application includes the redevelopment of both the swimming pool and cinema. During the evolution of the proposals the reprovision of both these facilities was linked to wider initiatives, being the Inspiring Active Places Sport Strategy and the future of Fort Regent. In the last few months, it has become clear that these initiatives may not evolve as was originally envisaged, but that situation remains fluid, and opportunities might still emerge.

The Applicant is therefore prepared to commit to consistency of service during the delivery of the proposed development, in relation to both the swimming pool and the cinema.

For the swimming pool, as this is a later phase of the proposal and the Lido is proposed as an early phase, the opportunity is available to repurpose the Lido as an enclosed facility for the temporary period between the closure of the Aquasplash and the reopening of the new swimming pool facilities.

In relation to the cinema, if alternative provision is not secured within Town, then the Applicant will commit to rephasing the application so that replacement cinema provision is delivered ahead of the current Cineworld facility closing.

Both of these commitments can be secured through a Planning Obligation Agreement to ensure compliance with Policy CI5.

Policy CI6 confirms that proposals for new, enhanced or extended public open space will be supported within the Built-Up Area, and that new large-scale development will be expected to provide adequate open space on sites for those who occupy the development, with the provision of outdoor space required to meet or exceed adopted standards.

The application makes provision for new open space, and both enhancement / extension of existing public open space, with qualitative improvements to Marina Gardens and both quantitative and qualitative improvements to Jardins de la Mer.

The provision within the application therefore comprises:

- Public Green Space of 27,198 sqm of which 56% (13,696 sqm) is existing at Jardins de la Mer / Marina Gardens, to be enhanced through the proposals;
- Public squares and plazas of 5,448 sqm;
- Landscaped promenades, and pedestrianised spaces of 32,517 sqm;
- Private Communal Green Space of 13,392 sqm (comprising ground level communal gardens and roof terraces).

These figures do not include private residential balconies, which would be quantified at the detailed Reserved Matters stage. The adopted standards for private community space are universally acknowledged to be out of date, and indeed the Island Plan confirms they are to be reviewed. New guidance has recently been published on this issue, which is likely to be relevant to the assessment of Reserved Matters applications.

In relation to shared space for new flats, the level of on-site provision (comprising private and shared open space) is considered by the emerging standards, which require that it should be relative to the potential occupancy of each home and the overall number of homes to be provided on the site, up to a maximum level of 25% of the site area.

On the basis that the site area is 11.55 ha, 25% provision would be 28,875 sqm. The new public green space (13,502 sqm), plus the private communal green space (13,392 sqm) and the public squares / plazas (5,448 sqm) provide 32,342 sqm of provision, and so exceed the maximum level of 25% of the site area prescribed by the emerging policy.

This provision does not include a similar further quantum for the landscaped promenades and pedestrianised spaces. The proposals therefore clearly meet the requirements set by Policy CI6

Policy CI7 confirms that the loss of Protected Open Space will not be supported.

Both Marina Gardens and Jardins de la Mer are defined as Protected Open Space and both these areas are retained and enhanced within the application, which therefore aligns with the requirements of this policy.

Policy CI8 is concerned with space for children and play. It requires that all major developments should contribute towards helping children to be safe, active, social and imaginative, as well as helping children access and spend time in nature.

The policy does not prescribe any standards but requires that development proposals providing more than 10 family homes are required to provide appropriate communal space for play on site unless it is agreed where an offsite contribution may be permitted. The policy specifies that in the first instance developers should seek to include as much green or natural play space as possible.

The Design and Access Statement explains the commitment to children's play, which is at the heart of a landscape-led proposal. This commitment is repeated in the Design Codes which include total areas for play hubs at specific locations to a total of 6,000 sqm, acknowledging that the role of the Waterfront includes the wider community of Jersey / St Helier as well as visitors to the island. For comparative purposes a similar scheme in London would be required to provide 1,820 sqm of children's play.

It is considered that the application accords with the requirements of Policy CI8.

Policy TT1 is relevant to the delivery of integrated safe and inclusive travel. Proposals are required to have regard to the needs of all road users, including the emergency services, and be integrated with the existing transport network, which should have the required capacity to accommodate it.

The application is accompanied by a full Transport Assessment which explains the legislative background, scope of work and extensive discussions that have taken place throughout the evolution of the proposals.

It is considered that the proposals deliver a technically robust conclusion to transport needs, which are balanced with sustainable transport objectives in relation to the quantitative package of car parking and cycle storage provision, alongside the significant improvements to the pedestrian and cycling environment improving connectivity and accessibility to and through the sites, including between the Waterfront and town centre.

The application delivers clear alignment with the objectives of Policy TT1.

Policy TT2 requires that development proposals make provision for active travel and prioritise walking and cycling in the design of proposals, including the objectives of the St Helier Public Realm and Movement Strategy.

The entire proposals have evolved from an objective of delivering a public realm that gives priority to the pedestrian and reduces the impact of the motor-vehicle. This is seen throughout the network of streets and lanes as well as in the objective of dialling-down the dominance of the dual carriageway, plus the introduction of the at-grade pedestrian crossing.

Accompanying this is a significant package in relation to enhanced cycle provision. Alongside the enhanced physical cycleway infrastructure, provision is made for 1,704 long-stay cycle spaces within the basement for the residents, plus 388 spaces in a new cycle hub (to include 229 long stay cycle spaces and 159 commuter spaces and also to include e-bike hire, a changing area and repair space) plus 314 short stay spaces along secondary streets (to cater for visitors and support the non-residential uses); and, 54 spaces at Plot P1, to support the Elizabeth Castle ticket office.

As has been expressed at numerous points within this Statement, the proposals understand these objectives and delivers strongly to their terms.

Policy TT3 give support to the delivery of new homes where the site is within 400 m of a bus routes.

In this instance the application site is within 400m of the bus routes on the Esplanade and is also (primarily) within 400m of Liberation Station (being the main bus interchange for the island) therefore complying with the terms of this policy.

Policy TT4 references the provision of off-street parking and confirms that development that has the potential to generate vehicular movements, and a requirement for car parking, will only be supported where it provides an appropriate level of accessible, secure and convenient off-street motor-vehicle parking that is well integrated with the development and which accords with adopted parking standards.

The adopted car parking standards are from 1988 and universally acknowledged to be out of date. Draft car parking standards have recently been issued for consultation and these advocate a maximum level of provision within defined “Sustainable Transport Zones”.

The application site is split between two different zones, with the northern element being within the St Helier “Town Centre” zone, where a maximum level of provision of one car parking space per dwelling is set out. The majority of the site is within the defined “Town of St Helier” zone where a minimum provision of 0.25 spaces for each one, two and three bedroom home is specified.

Car parking provision in the application equates to 0.39 spaces per dwelling, which aligns with the emerging standards. Although this is not yet adopted, given that the application process will involve future detailed Reserved Matters determinations, it is likely to be formalised during this process.

As part of a balanced provision, alongside the support for cycling and enhancements to the public realm to support pedestrian movements, it is considered that the level of car parking is appropriate and in accordance with Policy TT4.

Policy WER1 sets out an objective of minimising the waste arising from demolition and construction activity, and to recycle, reuse and recover as much as possible of the generated waste materials, in accordance with the waste hierarchy.

This topic has been the subject of considerable, and ongoing, dialogue with the relevant technical authorities within the Government of Jersey and reference should be made to the latest submissions from Waterman, forming part of the Environmental Impact Assessment (Chapter 13).

The updates to the application since its submission have included rationalisation of the basement and associated reduction in the amount of material that needs to be excavated. At the highest level it is estimated that excavation will equate to about 240,000 m³ of material, this will be on a phased basis (over at least a decade) across the application site.

It has been assessed that 30% of this volume can be recovered as ‘oversize’ material, amounting to 72,000 m³. Approximately 55,000 m³ of this could be processed and used as fill in the land

reclamation area. The remaining 17,000 m³ could be recycled and reused elsewhere in Jersey, and so does not require disposal.

If 30% of the overall volume is inert soils then a further 72,000 m³ would also be available for reuse on other projects in Jersey, if not, then this could be disposed of as inert waste at La Collette.

Of the balance, if 27% is non-hazardous soils, this would amount to 65,000 m³, and it is estimated that this could be used in a stabilised form as a pile mats (30,000 m³) and in land-raising activities (assumed 25,000 m³). This would leave 10,000 m³ of non-hazardous waste requiring offsite disposal.

The remaining 13% would be hazardous soils, amounting to 31,000 m³. Whilst it may be possible to use this in a stabilised form, it is more likely that it will require offsite disposal.

In summary, if the assumptions derived from the assessment are borne out then a volume of some 41,000 m³ of contaminated soil would require offsite disposal to La Collette (lined cells) plus a further 72,000 m³ of inert soils.

It is noted that the planning application to extend the waste reception facilities at La Collette has recently been deferred by the Planning Committee and that there are Propositions to be debated in the States Assembly relating to this matter. Given the timelines for the future phased Reserved Matters applications it is likely that the capacity questions around La Collette will be resolved within a necessary time frame. If this does not occur, then the island would be without a facility to accept contaminated materials and it is assumed that export for recovery would be agreed.

This approach to waste minimisation and disposal aligns with the high-level objectives of Policy WER1.

Policy WER2 considers flood risk and requires that development which is vulnerable to flooding or could increase the risk of flooding elsewhere should be located away from areas at risk of flooding.

This issue has been fully appraised, and the relevant submissions are included within the Environmental Impact Assessment accompanying the application.

As noted in this Statement, the application includes works to improve coastal defences and the Flood Risk Assessment has been undertaken in conjunction with an understanding of the outcomes from this work.

The results of this work have indicated a very minor residual risk would remain and that it can be appropriately mitigated through, for example, confirming the finish floor / entrance levels at the detail design stage.

The work has also included a detailed hydrogeological model to consider groundwater, and the findings of this work state that:

“the assessment indicates that the proposed basements can be constructed without significantly impacting the hydrogeological regime, and the influence of tidal changes in St Aubin’s Bay will not impact the viability of the scheme. Dewatering measures will be required to control ground water ingress during high tide in high tidal amplitude periods, though dewatering will not be required throughout the majority of the day and during low tidal amplitude periods.”

It is therefore considered that the application meets the tests of Policy WER2.

Policy WER3 is relevant to flood infrastructure and confirms that proposals for new or replacement coastal defence scheme will be supported where they are consistent with the management approach for the coastline presented in Jersey’s Shoreline Management Plan, and where the environmental impacts have been appropriately considered, mitigated or compensated.

As has been set out earlier, the remodelled foreshore will provide the improved sea defences for this element of St Aubin’s Bay, as envisaged for the medium-term epoch in the January 2020 Jersey Shoreline Management Plan.

The application therefore accords with the terms of Policy WER3.

Policy WER4 is relevant to land reclamation and confirms that it will be supported where it can be demonstrated that it provides an appropriate response to protect the island from future coastal

flood risks associated with climate change in accordance with the Shoreline Management Plan. The policy confirms that any benefits most outweigh environmental impacts, and that fill material must be inert.

In a similar manner to WER3, the approach of the application follows the strategy of the shoreline management plan, with associated environmental impacts work demonstrating that any residual harm is managed and mitigated.

The terms of Policy WER4 are therefore met by the application.

Policy WER6 references surface water drainage and requires that sustainable urban drainage systems should be incorporated into the overall design, to include the reduction and management of surface water run-off as near to the source as possible.

A Drainage Strategy has been developed for the outline planning submission which sets out how surface water run-off from the site will be managed with a Sustainable Urban Drainage Strategy utilising on-site attenuation, with discharge rates reduced by 20% when compared to the existing scenario.

Policy WER7 considers foul sewage and confirms that developments that result in any additional discharge of sewage will only be supported where it provides a system of foul drainage that adequately connects to the mains public foul sewer.

The drainage strategy includes the provision of an additional large diameter sewer parallel to the existing Gloucester Street sewer, running below the proposed basement, and providing resilience for the public network with attenuation at peak times. The conclusions of the strategy will need to be subject to detail design and the confirmation of suitable connection points into the public sewer network and it is considered that these matters can be resolved at the detailed design stage.

The application therefore complies with Policy WER7.

Policy UI3 is concerned with the supply and use of water, identifying that development will only be supported where adequate supply can be made available, and the new developments should incorporate all practicable water conservation management measures to reduce consumption.

Mains water is available throughout the application sites and the submitted Sustainability Statement confirms that opportunities to include smart systems combining rainwater harvesting and attenuation will be investigated in the detailed design phase. This commitment is identified in the Design Codes which reference the need for low flow fixtures and fittings, and require contractors to consider water saving technology during the construction phase.

The proposals therefore meet the requirements of Policy UI3.

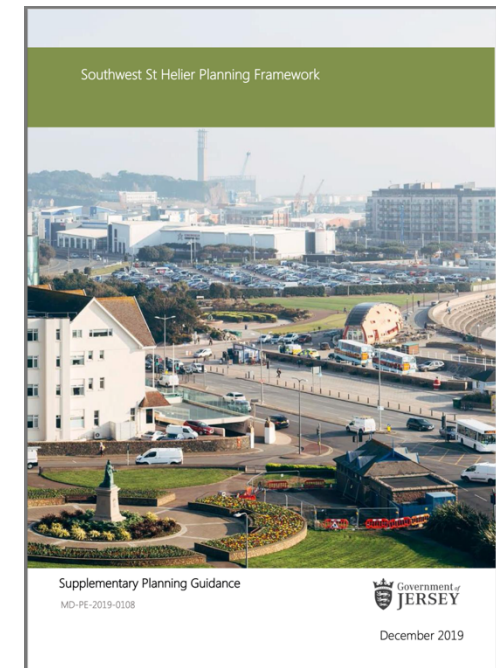
Policy UI4 confirms that new telecommunications equipment/masts and antenna will be supported where they are designed and cited in the least visually intrusive way, having regard to the context.

This issue has been reviewed in the application material and is specifically considered by the Design Codes (see 5.20.3).

OTHER MATERIAL CONSIDERATIONS SOUTH WEST ST HELIER FRAMEWORK

The planning framework for the development of the St Helier Waterfront was previously set by the 2006 Supplementary Planning Guidance, and the 2008 Masterplan. The circumstances which led to these documents being withdrawn, and the adoption of the current SPG is explained in the Planning History commentary earlier in this Statement.

The whole process was led by the feedback from community charettes, facilitated by the Design Council, and the ethos of engagement with the public and stakeholder groups is embedded throughout the Framework SPG - and has been key in the evolution of the current outline application, as has been set out in the DAS and the Community Consultation documents.



The Framework SPG is punctuated with a series of “Community Expectations” as set out under topic headings:

GP1: Connectivity and Movement

This considers the expectation of a reconnection between the sea and the community, without being threatened by vehicular traffic, and a network of interesting spaces to stop at and enjoy the view or the facilities offered.

GP2: Open Space

New spaces should be inviting, where Islanders can enjoy relaxing, playing and socialising safely with friends and family. Existing key views, vistas and landscaped corridors should be maintained.

GP3: Uses

The community expectation is for a vibrant community, which is inclusive and sustainable.

GP4: Design

Architecture should be high quality and sustainable, creating pleasant spaces which integrate with the surrounding area.

GP5: Building Height

The expectation is for interesting architecture, with active street frontages. Buildings should relate to a human scale and any tall building should be of an excellent quality

GP6: Views

The requirement is for favourite views to remain enjoyed, and to still get open views of the sea, Elizabeth Castle, the historic harbours, Fort Regent and over the bay towards Noirmont.

The outline application uses these topics as its foundations and aligns entirely with the same aspirations. The commentary in the Design and Access Statement explains the evolution of the proposals, and shows that these topics and community aspirations are at the heart of the proposals. These topics represent best practice in relation to urban design objectives and the project team have applied them consistently, and successfully, as the vision for the development has emerged.

The Framework SPG then identifies a series of “Key Opportunity Sites” (KOS) and provides site-specific guidance on the issues that will need to be considered by any proposals for the relevant areas.

The outline planning application covers KOS1, 2 and 3 as defined in the SPG.

KOS1 Esplanade Quarter (East)

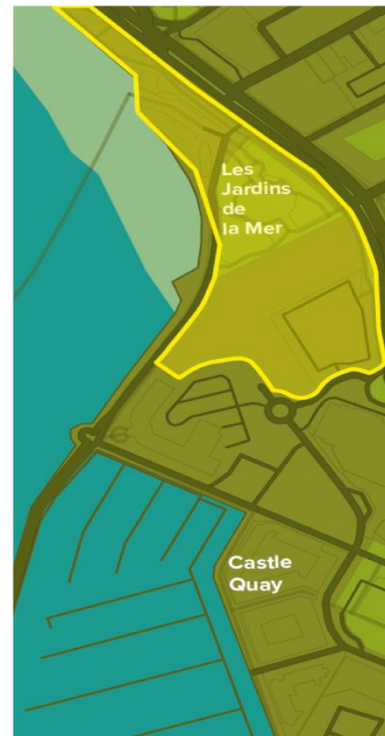


- This is considered to be a key site in terms of providing an opportunity to improve the connectivity between the town, the Waterfront and commuter routes from the West.
- Any new development of this site will be expected to provide inviting, safe and attractive open space together with pedestrian and cycle links that clearly offer a physical and new cultural link between town and the Waterfront.
- 520 public car parking spaces should be provided (across KOS1, 2 and 3) with the actual number of public car parking spaces reviewed in the light of current policy and progress on the Governments Sustainable Transport Strategy.
- In addition to open space and pedestrian /cycle links, the site could also accommodate additional office buildings, residential and / or visitor accommodation and a cultural / leisure facility. Ground floor uses should contribute to the vibrancy of the area.
- building heights which exceed 7 storeys will require exceptional justification. It is acknowledged that the opportunity exists to significantly increase heights to create a single, elegant landmark building of mixed use.

All these factors are woven into the outline application. Providing the ‘at grade’ link across the dual carriage way is a key element of the outline application with the clear objective of linking town and the Waterfront. The mix of uses proposed in the application reflects the aspirations of the SPG, and in relation to the approach to height, this is justified through the analysis in the application documentation including the DAS and the ES, to be controlled through the Design Codes.

KOS2 Esplanade Quarter (West)

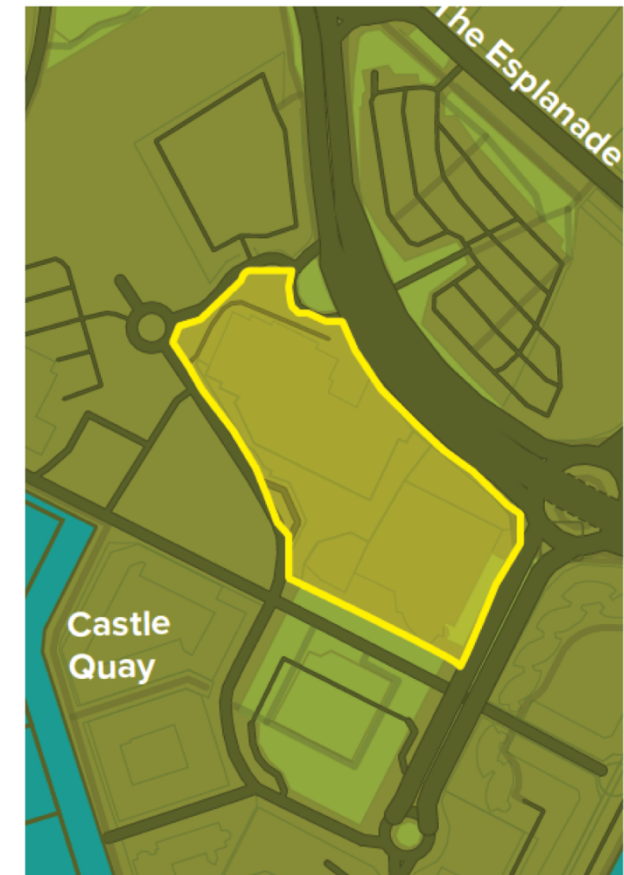
- This site should be looked at in conjunction with KOS1 and KOS3, as a real opportunity exists to create an attractive and safe link between the sites, connecting the Waterfront with town.
- It is essential to successful place making that public open spaces and lines of connection are planned out first, to ensure the person rather than the building or motor car will feel dominant and comfortable in the space.
- There will be a requirement to maintain and enhance the provision of open space, cafe and ancillary facilities and the provision of pedestrian, cycling and public transport infrastructure.
- The site should provide for residential accommodation to meet the islands housing needs, with the potential for some leisure / recreational facilities and visitor accommodation. Small scale commercial units at ground level may be acceptable where this complements other uses on or close to the site.
- The pattern of new developments could take its cue from the historic waterside development on the north side of the Esplanade or from successful examples of international Waterfront developments, where they would contribute to a sense of place that is identifiable and relevant to the island and to St Helier.
- Building heights should be varied but not exceed 7 storeys without appropriate justification.
- Full consideration should be given to the maintenance and enhancement of use towards Elizabeth Castle, Noirmont and Forts Regent;



Again, these objectives have been woven into the outline application with KOS2 delivering a residential-led development which is supported by commercial, recreational and public activities to create a vibrant waterside community. The building forms on the network of lanes and open spaces have been carefully considered to provide a sense of place that reflects the aspirations of the community as articulated through this SPG and the range of other consultation undertaken.

KOS3 – Aquasplash / Cineworld

- The buildings themselves are not of any aesthetic value and present a brutal, visual barrier separating town from the Waterfront. In effect the buildings have turned their backs on town.
- KOS3 should be looked at in conjunction with KOS1 and KOS2.
- The opportunity exists to improve connectivity across La Route De La Liberation, and through the sites, to connect to the Waterfront.
- the opportunity exists to secure more relevant architecture and building forms that present attractive and inviting facades on all sides, visually reconnecting the site with town.
- the opportunity exists to secure a good quality recreational / leisure hub to serve the islands community, dependent on an emerging sports and recreational strategy
- These sites could accommodate a mixed-use development of residential with some recreational use, plus some of the car parking requirements referred to in KOS1.
- Appropriate building heights would be dependent on the architecture and layouts of plots, but a canyoning effect with tall buildings either side of La Route De La Liberation should be avoided.



The “Inspiring Active Places” document summarises the high-level sports strategy document produced by the Government of Jersey, considering potential investment requirements in public sport over the next 10 years. It identifies one of the drivers as being the life expectancy of the current Aquasplash swimming pool and the medium term end of its lease (2027).

A replacement swimming pool and gym facility (to be the main provision for the island) are included within the “Leisure Zone” in Plot F1.

The architectural approach set out within the DAS and Design Codes also proposes a building which is more expressive within the Waterfront townscape, with the ability to be a visual anchor at the southern end of the application site.

In summary, the SW St. Helier Planning Framework has been used by the project team as a clear expression of the intentions of the community for this area.

The work undertaken for the outline application has sought to move forward each and every element of the objectives within the SPG, and ensure that the outline application represents a further step on the path towards delivering these clear aspirations.

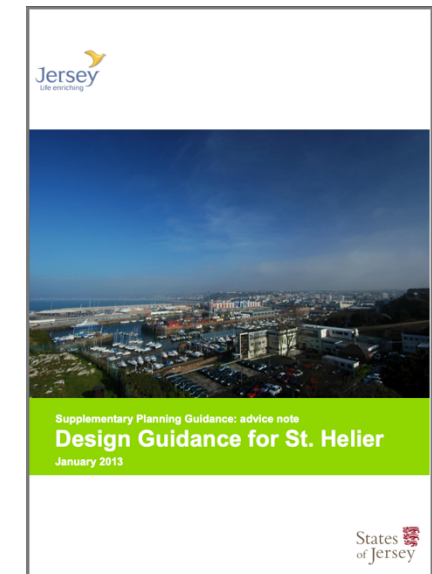
OTHER MATERIAL CONSIDERATIONS DESIGN GUIDANCE FOR ST HELIER

Design Guidance for St. Helier was adopted as Supplementary Planning Guidance in January 2013.

It is based upon the “Willie Miller” St. Helier Urban Character Appraisal of 2005 and consists of three parts, being:

- overarching design principles;
- sets of guidelines for particular character areas; and
- advice on how the guidance should be applied.

It is quite clear that the guidance is:



“not intended to replace earlier masterplans or development briefs but to supplement and inform development aspirations in those areas. For the avoidance of doubt new development within the Esplanade Quarter will remain to be assessed under the terms of the Esplanade Masterplan and Design Codes prepared for that area. The original design guidance was prepared in 2006. It has been reviewed and amended in order to respond to changes which have taken place within St. Helier. Inevitably the guidance will need to be reviewed again in order that it recognises and adapts to change.”

As referenced earlier in this Planning Statement, the Masterplan and Design Codes for the Esplanade Quarter have been withdrawn by the Minister and replaced by the SW St. Helier Planning Framework SPG (with its content also reviewed in this Statement).

In relation to overarching principles, the Design Guidance SPG identifies that:

“Developments can be said to have been successful when:

- *site planning and massing has responded to the larger context of the townscape and the region;*
- *architectural expression relates to a neighbourhood context;*
- *the street facade creates a safe and interactive pedestrian environment;*
- *public amenities and activities enliven adjacent streets and open spaces;*

- *arrangements for vehicular access and parking have minimal impact on the pedestrian environments.”*

The SPG then introduces requirements that all new development in St Helier should be assessed on its individual merits but also in accordance with the contribution it makes to the vitality of the town and to the quality of the wider townscape.

Specifically, it requires that new development should:

- **Minimise environmental harm**

Development should be designed, constructed and operated in an environmentally responsible manner. Design should include the reduction of energy, reduction of waste reduction of pollution and efficient use of materials. Development proposals should be assessed in terms of their environmental impacts and also their ability to be flexible and adapt to future change.

- **Contributes to distinctiveness and integrate with surrounding townscape**

Development should help shape distinctive neighbourhoods and reinforce local identity. Reference should be made to relationships between forms and features, the use of landmarks, vistas, focal points, and any existing landscape that will give urban areas a unique character and memory.

- **Improve first impressions and legibility**

New developments along key approaches and at entry points to the town should be of particularly high-quality design and architecture.

- **Protect important views**

Views to and from established landmarks, hills and skylines should be protected and enhanced and the potential impact on strategic views from major access routes and public vantage points should be carefully considered.

- **Make coherent layouts**

Development should form an integral part of a clear and coherent spatial structure and show robust connexions with the surrounding urban pattern. New developments should reinforce the indigenous blocks, grain and street pattern.

- **Contributes to the vitality of the town**

Mixed uses and human scale give vitality and create attractive places that contribute to safe and vibrant towns. This fosters activity, and greater security, throughout the day and helps create a balanced community. Mixed use development can also reduce the need for commuting and car travel to facilities.

- **Make positives relationships with public space**

New developments should enhance existing spaces and / or provide new open space to integrate and link development and create a shared community focus. Open spaces should be configured to provide visual interest and to accommodate activity. Buildings should provide a positive definition and enclosure to public space. Active frontages facing public space provide surveillance and encourage your range of activities to take place.

- **Strengthen and extend the network of routes and spaces**

Development should aim to maximise the extent and quality of the existing street and public space network. The network should provide a choice of routes to maximise connectivity and linkages and aim to link areas of amenity recreation and environmental interest.

- **Integrate car parking**

Almost all developments require car parking, and proposal should consider how to integrate parking without allowing it to dominate the development, the street scene or adjacent developments.

These are fundamental principles of urban design and placemaking, usefully set out in a concise manner and are at the heart of this outline proposal. The content of the Design and Access Statement, shows the evolution of this project from its earliest iterations, and it is clear that these key principles are all embraced by the proposals and have been embedded into the project from the outset. Indeed, the scale of the application provides perhaps a unique opportunity to demonstrate how these principles can be applied in a macro townscape sense.

The second element of the SPG splits St Helier into different Character Areas, and sets out assessment criteria considered to be distinct, definable and able to be applied as “guiding principles” to each of these Areas.

These criteria are:

1. **Horizontal / vertical**

This relates to the manner in an elevation contributes to the rhythm of the whole street. It refers to the emphasis formed from the predominant direction and proportion of the main building elements.

2. **Turns the corner**

Corners are important elements of townscape as they define nodal points. The organic and intricate street pattern of St Helier means that corners are often landmarks and can include ornate and detailed design or are subtly celebrated.

3. **Colour**

Historically the predominant colours found in town were characterised by a palette derived from indigenous natural materials. The development of synthetic paints allowed opportunities for far greater diversity of colour, and for the introduction of strong accent colours. Colour needs to be carefully considered as they can be discordant, but a limited palette will tend to produce a coherent harmonious townscape popular in seaside locations.

4. **Materials**

Stone and stucco were traditionally the two main materials forcing how they're building facades, which have now been supplemented by other materials as more diverse ranges became available overtime. The choice of material can produce harmony, diversity or disharmony depending on manipulation of the material and its unit size.

5. **Massing**

The mass of a building is a reflection of its height and footprint proportions. The scale of buildings affects the scale of streets and spaces, and is a strong determinant of urban character. Much of St Helier is of a markedly human scale, being buildings between 2 1/2

and 3 1/2 storeys in height. Cues should be taken from the immediate context to determine the appropriate height and massing of new developments.

6. **Building line**

The building line defines the edges and scale of a street and the consistent building line has a pronounced influence on the sense of cohesion along streets. The vast majority of St Helier streets have very consistent and uninterrupted building lines that can be easily identified and adopted in new developments. There are some examples of setbacks which have created attractive incidents in the streets, but this device should only be used occasionally.

7. **Diversity / homogeneity**

Some parts of the townscape are more consistent than others, and when a new development is taking place in an area that is conspicuously coordinated it is important that new buildings adopt elements of the significant local architectural theme. Where diversity is typical, however, a less contextual approach is acceptable.

8. **Frontage proportion**

The proportion of a building frontage is a function of the plot width and building height. These dimensions contribute to the underlying pattern and grain, as well as establishing a rhythm along the elevation of the street. This rhythm is reflected in the frontages, through the spacing of door and window opening, and the subdivision of gardens (etc). In many parts of St Helier there are strong and consistent patterns which contribute to the urban character of different neighbourhoods. An assessment of typical frontage proportions will help guide the design treatments.

9. **Scale of detail**

The details on a building elevation provide visual interest and give scale and character. There are many parts of town where simple robust detailing is typical. In other areas, delicate detailing and decorative additions are the norm. Where there is an observable pattern, new development should respect and complement that pattern.

10. **Roof shapes and finishes**

This refers to the treatment of the eaves line, roof plane and roof silhouette - all of which

are important to St Helier, especially as there are several vantage points which look down upon the roofscape of town. Pitched roofs, flat roofs and mansards are all common in St Helier, so it is difficult to make blanket rules about what is appropriate. Reference should be made to immediate neighbours and careful consideration should be given to the overall composition and impact on the skyline.

11. Activity and streets interface

The treatment of the ground floor of a development will have a profound impact on the character and animation of the streets. The more transparent and active the ground floor, the safer and more interesting and attractive the streets feel. Proper consideration of these factors will ensure buildings make a suitable contribution to the vitality of the adjacent streets and the wider area.

12. Flanks

Flanks are rear or side elevations of buildings that become important where they are particularly conspicuous, including where they terminate a vista or mark an important junction. The articulation of the exposed elevation is important to avoid a blank or over-scaled appearance.

The project team welcome this 'issue-by-issue' approach, which seeks to provide an objective basis for assessing design issues. Although the SPG specifically defers to the content of the 2006 SPG and the 2008 Masterplan, these have now been withdrawn, and the structure provided by this Design Guidance SPG has become a useful to articulate what is considered important in the context of design criteria which are specifically relevant to St Helier. As such, these headings have been used for much of the assessment and analysis in the DAS and Design Codes.

The specific Objectives for the New Waterfront are set out in Character Area 6, which identifies:

- To raise the quality of development in the new Waterfront area;
- To establish a quality business district;
- To build a network of connected streets and places that link easily to the traditional streets and the old town – no culs-de-sac, dead vehicle service areas or underused pedestrian areas;
- To build on the distinctive St Helier character rather than importing alien street, Waterfront and building forms from world cities

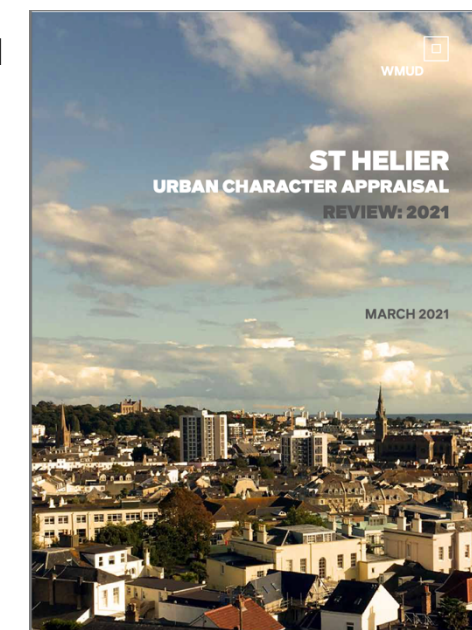
- To protect views to Elizabeth Castle;

With reference back to the 12 criteria established earlier, the New Waterfront Guidance is:

CHARACTERISTIC	CRITERIA
1. Horizontal/Vertical	both
2. Turns the corner	opportunities throughout development area
3. Colour	waterfront palette
4. Materials	concrete, stucco, glass, steel, granite
5. Massing	subject to separate supplementary planning guidance
6. Building line	create new street system build to it - contrast street and quayside setbacks
7. Coordination	strong level of variety
8. Frontage proportion	take from Esplanade - older examples
9. Scale of Detail	robust, large for engineering and small for residential development
10. Roof shapes and finishes	not important to exercise too much control over this
11. Activity and street interface	very important along quaysides and links to town centre
12. Flanks	important to ensure that blank side elevations are minimised for large new build

It is relevant that the St. Helier Urban Character Appraisal has been subject to a recent review, also by Willie Miller Urban Design, which was published in March 2021 as a background paper to the Bridging Island Plan.

The brief was to update the Character Areas as defined in the 2005 appraisal, to provide a revised objective assessment of the nature of town and to help identify the capacity of different areas to absorb new development whilst ensuring that any proposed interventions are appropriate to the distinctive character of an area and its ability for change.



In relation to Character Area CA6 the “New Waterfront” the 2021 Review noted that:

“a significant quantity of new development has taken place around the Elizabeth Marina, to the extent that the dominant character has become less obviously linked to that of historic St. Helier. Instead, the area has taken on a more global commercial style.

There is less vacant land here than in 2005, which is a positive factor and Waterfront Gardens are considerably more mature and pleasant. The landscaping along the northern part of La Route Du Port Elizabeth has also matured, but there is a sense of emptiness and lacking of activity in most pedestrian areas.

The objective set for this character area in 2005 included raising the quality of development, establishing a quality business district and building a network of streets that link easily with the traditional streets of the centre of St Helier. These objectives are still relatively remote aspirations but there are opportunities for change in the undeveloped areas.”

The 2021 Review also advocates expanding the CA6 Character Area to the north and east to recognise that the Esplanade area has a similar style and should be united with an expanded New Waterfront zone. It is noted that the undeveloped land south of La Route De La Liberation will undoubtedly be filled in the “next five years” and that the development formats for this area will be of a similar style and height to existing buildings. The 2021 Review also identifies that there is a critical mass of higher density, taller and commercial architecture on both sides of La Route De La Liberation which now dominates the wider character area.

One of the most interesting sections in the 2021 Review is the discussion around “the development dilemma”. This commentary acknowledges that if population trends continue at the projected pace and that if the focus of new developments remains on St Helier, then the limited supply of developable sites suggests that the majority of new housing will inevitably be high density.

The review assumes that development of 6 to 8 storeys should only be acceptable where medium / tall or tall buildings have already become the norm, *“for example at the New Waterfront and the Esplanade.”*

At Section 3.4 of the 2021 Review it is identified that the buildings that have been delivered in the period since 2005 on the Esplanade and at the New Waterfront *“set a tone for this part of St Helier in 2020 that is reasonably positive.”*

It is identified that *“the harbour and marina area has a 20th / 21st century character and is already predominantly 4 to 7 storeys in height so the context would not be sensitive to the introduction of more moderately tall contemporary structures”.*

At the same time the 2021 Review is also clear that parts of the New Waterfront are prominent in town approach views, including from the sea and there is a particular sensitivity around views, such as to Elizabeth Castle.

It should be noted that the commentary within the 2021 Review does not seem to have any reference to the “Horizon” development of 9, 10 and 11 storeys which has now “topped out.”

The 2021 Review recaps that the original Urban Character Appraisal and subsequent Design Guidance for St Helier recommended a maximum height of six storeys but that the more detailed analysis carried out for the updated review suggests that this guidance can be “relaxed somewhat” without undermining the character and quality of the original Character Areas, and Figure 6.13 of the Review includes a recommendation of “up to 8 storeys throughout “at the New Waterfront.

The 2021 Review also identifies that the sensitivity to change at the New Waterfront is now only low, and the upside of this is that the area can act as a “safety valve” for development that would be too damaging in other character areas, and that large residential developments are best suited to the less sensitive areas of St Helier, including the New Waterfront. It is also clearly referenced that the South West St Helier Planning Framework SPG (December 2019) sets out a constructive template for the future of the area.

The later sections of the 2021 Review provide updated New Waterfront Design Guidance, and set the Character Area objectives as:

- *to raise the quality of development in the New Waterfront area;*

- *to establish a quality business district;*
- *to build a network of connected streets and places that link easily to the traditional streets of the Old Town without cul-de-sacs, dead vehicle service areas or under used pedestrian areas;*
- *To ensure a positive combination of uses within a human scale design framework, particularly, breaking down the size of ground floor retail and commercial units;*
- *to build on the distinctive St Helier character rather than importing alien streets, Waterfront and building forms from world cities;*
- *to seek opportunities to moderate and adapt developments and associated public realm into more attractive places for people to develop a plan for the improvement of the ferry landing area and the route north to the Old Town;*
- *to protect views to Elizabeth Castle to develop more attractive walking and cycling infrastructure throughout the area with an emphasis on destinations, social hubs and circular routes.*

The same 12 criteria from the original 2005 Urban Character Appraisal are taken forward into the 2013 Design Guidance SPG, and the updated Guidance table is reproduced below:

CHARACTERISTIC		CRITERIA
1	horizontal / vertical	both
2	turns the corner	opportunities throughout development area
3	colour	waterfront palette
4	materials	concrete, stucco, glass, steel, granite
5	massing	up to 8 storeys throughout but should step down to waterfront edge
6	building line	a consistent building line is needed on new streets; the setback should be narrower and contrast with the quayside setback
7	coordination	strong level of variety
8	frontage proportion	reference examples from the historic Esplanade
9	scale of detail	robust, large for engineering and small for residential development
10	roof shapes and finishes	not important to exercise too much control over this
11	activity and street interface	very important along quaysides and links to town centre
12	flanks	important to ensure that blank side elevations are minimised for large new build

In October 2022 the Minister confirmed his intent to adopt the Design Guidance elements of the 2021 Urban Character Appraisal Review as Supplementary Planning Guidance and issued it for public consultation. The conclusions of this consultation exercise are still awaited.

THE PLANNING BALANCE

This Statement summarises the key planning considerations arising from the application, reviewed against the terms of the adopted Island Plan and other material considerations (which include wider Government initiatives, plus emerging policy and Supplementary Planning Guidance).

As with any project of this scale and nature there are both positive and negative aspects to be considered. For example, the introduction of 'at grade' pedestrian crossings to La Route De La Liberation means the traffic flows will be different to those experienced today. However, in highway terms the changes to vehicle queuing are not considered significant. This must also be viewed against finally achieving the long-held aspiration of reconnecting town with the Waterfront, which is set out in many of the policy documents reviewed in this Statement and in the context of the significant weight that Government policy now gives to sustainable and active travel modes.

Similarly, in relation to the scale of development, the TVIA and HIA identify some impacts but then settle the project in its surrounding built context and note a strong supportive emphasis for this form in the adopted South West St Helier Framework SPG (as embedded in the Island Plan), the adopted Design Guidance SPG and the 2021 Urban Character Appraisal Review – which itself considers the “development dilemma” that introduces the pressing need for new housing and the policy emphasis on delivery from brownfield windfall opportunities.

The Island Plan establishes the challenge of delivering new housing at twice the average of the last decade, and recent performance has failed to improve delivery, which is now slipping behind the recent averages. This under-performance is compounding the housing crisis, and the Island Plan clearly places a significant emphasis on the need for housing being an essential part of what it is seeking to deliver. The application is uniquely positioned to assist with this objective.

When looking across all the issues as summarised in this Statement, and the other supporting documents, the application has an overwhelming package of positive elements - of a significant magnitude - not least the enhanced connectivity, flood protection and housing delivery.

This all occurs in a landscape-led framework, as part of a vibrant mixed-use development with offices, food and drink, leisure and cultural uses, supporting a new Waterfront community.

A significant proportion of the site becomes new public realm, with a car-free network of squares, parks and lanes. Most importantly, it delivers all this in a package which is community-led, contextual in relation to its site and St Helier, coordinated within a clear and comprehensive framework, and is an exercise in sustainable development and positive placemaking.

It is considered that the planning balance is positive and compelling, and that the application accords with the Island Plan (and all other material considerations). It should be welcomed as another step towards delivering the vision for the Waterfront, and granted planning permission.