

## PUBLIC CONSULTATION DISCUSSION PAPER

Issued by The Minister for Planning and Environment on 01.02.06

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**PURPOSE OF CONSULTATION**

Supplementary Planning

Guidance

**DEADLINE FOR RESPONSES**

27<sup>th</sup> March 2006

Please send your comments to:

The Minister for Planning and Environment Or Richard Williamson Planning and Environment South Hill, St Helier, Jersey JE2 4US	Tel. +44 (0) 1534 601456 Fax +44 (0) 1534 768952 Email <a href="mailto:r.williamson@gov.je">r.williamson@gov.je</a>
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Please respond by 27<sup>th</sup> March 2006

**SUPPORTING DOCUMENTS**

None

# **The Jersey Waterfront**

## **Draft Supplementary Planning Guidance**

**Discussion Document**

**February 1, 2006**

# Contents

## Section One

1. Purpose
2. Why is Supplementary Planning Guidance necessary?
3. Review of Historic Documentation
4. Connecting with the Vision

## Section Two

1. The Three Sites
2. Existing Policy Context
3. Land Use
4. The Design Framework
5. Open Space, Linkages and Gateways
6. Traffic and Transportation
7. Environment and Sustainability
8. Planning Gain

Appendix I            Design Brief Template

Appendix II           Environmental Impact Assessment

## **First Draft**

### **Supplementary Planning Guidance**

#### **A review of the Waterfront Development Framework**

##### **Introduction**

##### **1. Purpose**

- 1.1 This document is intended to provide supplementary planning guidance (SPG) for the development of Jersey's Waterfront. In particular it is intended that this advice and guidance will enhance and supplement that policy within the Island Plan, 2002 which addresses the future development of the Waterfront (BE4). This document must be used in conjunction with the draft Supplementary Planning Guidance in relation to tall buildings.

This guidance reviews work that has previously been undertaken to provide a development framework for the Waterfront, but also considers the significant work that has recently been undertaken, both on site and on plan, in relation to the Waterfront. The guidance is intended to direct and assist developers by clearly articulating the objectives and requirements of the Minister for Planning and Environment.

- 1.2 This SPG will provide a revised framework within which new development proposals for the Waterfront can be generated and considered. Developers will be required to address the framework and to justify their proposals against it, and other considerations.

The guidance requires developers to focus on both the intrinsic merits of the buildings that will occupy the different sites and to address the integration and quality of those buildings with the spaces created around them and by them. It will require a commitment to design quality within individual sites and where sites interface with others. The guidance requires the social and economic implication of the schemes to be addressed, as well as traffic, environmental, service infrastructure and other matters connected with sustainability.

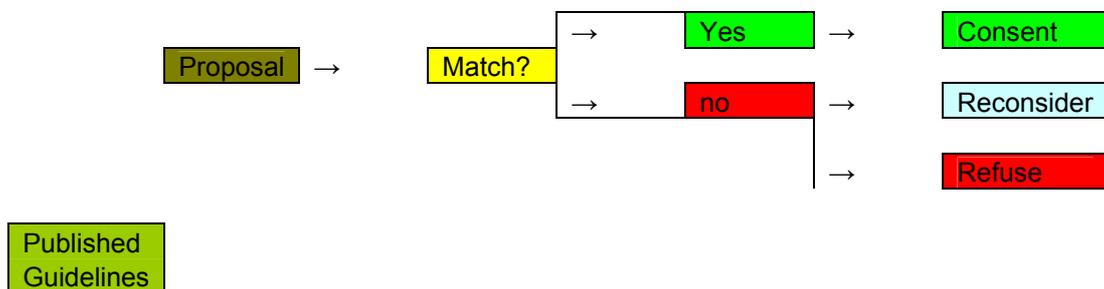
- 1.3 Notwithstanding this supplementary planning guidance, there are other policies within the Island Plan that will also apply to new development on the Waterfront beyond this supplementation of Policy BE4.

##### **2 Why is a review of the Waterfront Development Framework necessary?**

- 2.1 A development framework has to be a flexible and adaptable mechanism. It must recognise and be responsive to the variables that shape its context including any change in the requirements and aspirations of the States, changing market trends, the potential for new and different uses and the growing public awareness of issues around environmental impact and sustainability.

- 2.2 Since the current Waterfront Development Brief was adopted in 2001 and endorsed by the Island Plan 2002, the aspirations of the States have been restated and revised in the States Strategic Plan 2005-2010 which is a powerful driver for the changes envisaged for the Waterfront. There is now, for example, no intention to build a new school or police station here. Other work has been undertaken to assess the quality and character of St Helier and to identify what might improve, enhance and consolidate the role and function of the town<sup>1</sup>: the development of the Waterfront has a role to play and a contribution to make to these objectives.
- 2.3 To be able to respond appropriately to changing economic and community objectives, and for the St Helier Waterfront to be able to contribute to the realisation of these objectives, there is a need for a flexible and adaptable development framework. A revised development framework is required as an essential tool to guide and assist the development and design process and impartially capture and communicate the concepts to the community and to the developers. Without this framework there are real difficulties in addressing schemes within the normal development control process.

The SPG's will be used as expressed in the diagram below.



### 3. Review of historic documentation

#### 3.1 Brief sequence of events and decisions made

**1990.** Proposals prepared by the Waterfront Advisory Group including a substantial area for new housing, were adopted by the States of Jersey.

**1992.** Specific proposals based on the above were produced by Andrews Downie and Partners, which were substantially adopted by the States.

**1993.** WEB established

<sup>1</sup> St Helier Urban Character Appraisal (2005) Strategic Context pp 9-26

**1996.** WEB Ltd was incorporated and charged with delivering the Waterfront for the States.

**2000.** P & E C commissioned Howarth Tomkins Architects (HTA) to produce a Waterfront Design Framework. It was intended that this should be adopted and define the parameters within which WEB and their development partners could prepare proposals. HTA as part of this commission, consulted the community through a weekend-long design workshop (Waterfront 2000) involving some 70 members of the public and stakeholders, in order to inform the development of a revised draft Waterfront Design Framework.

Waterfront 2000 reviewed the appropriateness of the previous Masterplan with respect to future development sites; it defined issues of scale, character and massing for future sites. Key axis, routes, land use and public open space were identified. A maximum of 7 storeys was determined and the overall massing was presented in a 3-dimensional model. The economic, financial and engineering viability of the framework, however, remained to be tested prior to formal adoption.

**2001.** Drivers Jonas assessed the financial viability of the Waterfront Design Framework and identified a major budget deficit in the proposals. The St Helier Waterfront Masterplan, produced by Michael Felton Landscape Architects for WEB, updated the proposals of the Waterfront Design Framework produced by HTA and sought to address some of the economic concerns of its predecessor. In summary, the St Helier Waterfront Masterplan maintained some of the principles of the earlier plan but reduced the level of public infrastructure and buildings.

The former Environment and Public Services Committee considered the drawings accompanying the St Helier Waterfront Masterplan to best represent the agreed development framework for the Waterfront in terms of uses and building heights – the maximum building height proposed is 6 storeys (similar to the earlier plan). Sites were allocated for a primary school, police station and two major landmark civic buildings.

**2002.** Land conveyed by the States to WEB in order to allow the development to progress through a public private partnership without the need for further public funds.

**2002.** The Island Plan adopted; **Policy BE4** states that:  
“The .... Committee will expect all developments that come forward within the Waterfront Development Area to be in line with the approved Development Framework”. (The Felton Plan 2001)

**Policy BE5** outlines the potential for tall buildings in St Helier noting specifically the Waterfront and the Esplanade.

*“Tall Buildings are defined as those either above 5 storeys in height, or rising more than 2 storeys above their neighbours. They will only be permitted where an accompanying design statement fully justifies their exceptional height in urban design terms. Tall Buildings will be critically assessed for:*

- *Appropriateness to the location and context;*
- *Visual impact;*
- *Design quality; and*
- *Contribution to the character of St Helier*

*Development proposals which fail to justify their exceptional height will not normally be permitted”*

**2004.** The States of Jersey Strategic Plan 2005-2010 was agreed by the States. This document provides an important backdrop to the development of the Waterfront: the plan seeks to pursue 2% p.a. real growth but it also seeks to protect the environment and to take pride in the Island’s heritage and culture.

The development of the St Helier Waterfront presents the Island with an opportunity to secure something that can contribute to the economic well-being of the Island but which also can also ensure that its unique identity, character and culture is reflected and bolstered. There is an expectation that development of the Waterfront will make a contribution to real economic growth, become financially self-sufficient and produce a return on the earlier investment of infrastructure and reclamation costs by the States. The previous requirement for a new police HQ and primary school on the Waterfront have been removed as community objectives (because of their provision elsewhere), thus creating more commercial development opportunities.

**2005.** Economic Strategy.

#### **4. Connecting with the vision**

4.1 Waterfront 2000 captured the community’s vision for the future of the Waterfront in terms of its appearance and uses. It acknowledged that contemporary masterplanning is an ongoing process and needs to continually check that original assumptions hold true. The vision expressed in the Waterfront 2000 provides an anchor and link between that earlier work and the current review, and as a basis for testing new aims and objectives. The vision expressed in 2000 was that the Waterfront should provide:

- a lively, modern, maritime quarter which extends the best qualities of St Helier into the 21<sup>st</sup> Century;
- a new sea frontage which integrates with and complements the heart of the old town;
- a place for everyone, all year round, in all weathers;
- a diversity of uses to bring interest, variety and quality to the Waterfront;
- a mixture of landscaped open spaces with different character and scale for meeting, strolling, sitting and playing;
- priority access for all non-car users – a safe, relaxed environment;
- a variety of urban spaces made with durable, high quality, contemporary buildings and a mix of large and small developments;
- a space for a special building which celebrates 21<sup>st</sup> Century Jersey;
- a sustainable, manageable and robust development.

4.2 Waterfront 2000 also expressed the view that there was a clear wish to see durable but elegant modern architecture which drew its aspirations from the qualities and character of St Helier. It was hoped that design would complement the architecture of the town in a contemporary manner. There was a strong view expressed that new buildings should not be inferior copies of older buildings. There was also a strong desire to see a 'special' building of outstanding quality which would become a landmark building for Jersey.

4.3 The purpose of the present document is not to restructure that clearly expressed vision, but to build upon it and interpret it in the light of the changing circumstances and context for development on the Waterfront. Important determinants in the changing context for the development of the Waterfront include the States Strategic Plan 2005-2010 and the St Helier Urban Character Appraisal.

4.4 The Strategic Plan is important because it defines the strategic vision for the Island, and specifically seeks to ensure real economic growth. The application of this objective to the Waterfront, however, requires care. It cannot be viewed as a licence for an excessive quantum of development based solely on commercial yields. Consideration ought to be had of the economic value of various economic activity proposed for the Waterfront to the overall economy of the Island. It is evident, for example, that the provision of office space for the finance sector is likely to generate the greatest economic return in respect of the Island's GDP. The direct economic return from new housing is less evident, other than providing homes for the economically active to live. The value of the tourism

sector's contribution to the wealth of the Island is always a moot point, however there can be little doubt that investment in the Island's tourism would undoubtedly be of considerable value to the confidence and profile of the local industry.

- 4.5 Whilst it sets economic goals, the Strategic Plan's objectives for the environmental quality and cultural heritage of the Island are also important considerations.
- 4.6 The St Helier Urban Character Appraisal (2005) can assist in the interpretation and application of the States Strategic Plan for the Waterfront. It identifies some of the potentially 'missing' ingredients of St Helier, to bolster its economic role within the Island and the Channel Islands and to engender a higher quality of urban living and life. It also provides some important parameters within which this economic and cultural development can be delivered; by having regard to the special qualities and character of place that makes St Helier what it is, and which the developers of the Waterfront would do well to have regard to if their schemes are to make successful places that people can, and will, want to enjoy.
- 4.7 If the Waterfront Development Framework is to be successful it needs to be guided by strong enduring principles but responsive enough to recognise and react to change.

## **SECTION TWO**

### **1. THE THREE SITES**

1.1 In the first instance this revised development framework will apply to the three undeveloped sites remaining on the Waterfront. That is to say:

- Castle Quays
- Les Jardins
- Esplanade Square

In addition, should any of the sites already developed be subject to amendment or redevelopment then this supplementary planning guidance will be apply.

The physical context of the three sites has been set by the existing developments and outstanding approvals for the new hotel, the cinema, restaurants and nightclub; new office building, car parking and the new apartments at Albert Pier and at Harbour Reach. The road and service network are in place and most of the promenades, footpaths and areas of open space are already clearly defined. The context is also defined in the case of Esplanade Square by the existing buildings along the north side of the Esplanade and by the new development proposed at Liberty Wharf.

Of the schemes not mentioned above but already with formal planning approval and at the earliest stage of work there are:

- The Waterfront Hotel
  - 7 storeys
- Liberty Wharf
  - 5 storeys
  - offices, flats
  - transportation centre
  - retail
- The Annex Site
  - 5/6 storeys
  - offices

### **2. Existing Policy Context**

2.1 The 2001 Waterfront Development Framework referred to within Policy BE5 of the Island Plan, envisaged a mixed use development (The Felton Plan 2001). At the time that document was prepared the boundaries of the 3 sites that have since emerged were not clearly defined. However, on the basis of the drawing approved at that time it suggested the individual sites contain the following uses:

### **Castle Quays**

- Predominantly residential

### **Les Jardins**

- Residential
- Hostel/youth centre
- Landmark building for civic use

### **Esplanade Square**

- Residential
- Commercial
- Primary school

A new police station was to be built upon the existing Annex Site. The building heights were intended to range from 2 storeys to 6 storeys.

## **3. Land Use**

- 3.1 Mixed uses combined with human scale give vitality and create attractive places. It is important that the Waterfront contains a diverse range of uses. This fosters activity, interest and greater security and avoids the sterility of large areas of single use. Mixed use developments can also reduce the need for commuting and the use of the car. The existing pattern of land use proposed within the Waterfront Development Framework (2001) suggested a mix of commercial, residential, civic and community dwellings, (police station and school).

### **Retail**

Policy IC13 within the Island Plan is designed to protect the existing retail centre of St Helier. It is recognised that the viability of the retail centre of St Helier is important to the economy as well as to the built environment and cultural life of the Island. Nevertheless if the Waterfront is to function as an attraction to visitors and residents in its own right and provide the variety and vitality that is desirable, it must contain some retail uses, cafes and restaurants. Providing the balance between protecting the town and building the Waterfront as a quarter with life and services of its own, requires careful consideration. The current Waterfront Development Framework (Felton 2001) made no specific mention of where this balance lay in terms of floorspace provision, yet it identified clearly the need for such facilities. This supports the views expressed in Waterfront 2000.

3.2 The report produced by Experian in June 2005 concluded that additional retail space in Jersey (over and above that planned for the Waterfront at that time), would help alleviate capacity problems that could restrict future economic growth. The Conclusions of the report have been the subject of much debate and the Economic Development Department is currently undertaking a consultation process to assess the exact benefits and costs of significant new floorspace. In addition, PriceWaterhouseCooper are working on an economic assessment of the Waterfront, and the Economic Adviser will review their findings to ensure that they have taken a rigorous approach. The retail component of the Waterfront is, however, likely to be an important factor in maximising the economic benefit of the whole scheme for the Island. These works in progress will inform decision making in relation to Jersey's retail sector and in relation to the economy of Jersey as a whole.

### 3.3 **Other Uses**

In terms of other uses, the St Helier Urban Character Appraisal suggests that the aspirations of the States Strategic Plan to grow the economy must be linked with the expansion of other uses envisaged for the Waterfront. In particular the report points out that growth can be achieved by:

- the expansion of the existing off-shore financial services
- the provision of new quality hotel accommodation to service this business
- the establishment of the Island as an attractive short break visitor destination
- the creation of a new urban quarter which integrates the life of the resident community and visitor.

The provision of new office floorspace, leisure facilities and residential accommodation all have an important role to play in achieving that goal, but also delivering a Waterfront that has variety, vitality and a special character.

### 3.4 **Design Principles**

The Waterfront needs to accommodate a varied and diverse range of uses if it is to successfully function as a new neighbourhood, a living part of St Helier and also contribute to growing the Island's economy. It must reflect the rich and wide-ranging diversity of St Helier but establish a new urban destination on the water's edge. Leisure, retail, cafes and restaurants are essential ingredients, designed with a building form and a 'place making' approach to urban design.

To be a successful, attractive and vibrant place it is important that the Waterfront land uses are able to generate activity and life at street level. There may also be opportunity for commercial activities to 'spill out' into public spaces and bring activity into the street. The development of publicly accessible ground floor uses will also be encouraged and, in some instances, public access to higher levels may be appropriate.

The form and pattern of land use needs to be designed in a manner so that it has a positive relationship with a rich network of streets and public spaces to promote a dynamic interface between land uses and public space. Ground floors occupied by uses that relate directly to passing pedestrians create activity and interest.

Each of the three principal development sites are likely to accommodate a different balance of land use. It is important that these are assessed individually and collectively to ensure that the Waterfront provides the vitality that is essential. The loss of the primary school and the police station from the WDF 2001 are not regarded as disadvantages in this respect. The prospect of a new leisure visitor facility has the potential to provide a new attraction for visitors and residents.

### **3.5 POLICY**

The Minister will support proposals which encourage and contribute to the vibrancy and vitality of the area, particularly at street level.

The Minister will require development proposals to demonstrate their economic and social value to the Island and town of St Helier in terms of land use, and the manner in which they complement the development of mixed uses on the St Helier Waterfront.

The Minister will have regard to the research currently being undertaken by the Economic Advisor and due to be completed shortly in regard to the mix of proposed uses on the Waterfront.

## **4. The Design Framework**

4.1 The content of this section is informed by the recently completed Urban Character Appraisal. That report recognised that development on the Waterfront has been criticised for a number of weaknesses, including.

- separation from the Town Centre
- lack of a legible and traditional street pattern
- sense of isolation and remoteness
- lack of any unifying building grain or rhythm
- inability to create a real sense of place and lack of focal points that give real identity.

### **4.2 Design Principles**

To some extent these criticisms reflect the fact that the development on the Waterfront is incomplete. The aims and objectives of the revised Waterfront Design Framework is to rebalance this negative perception and to focus on those principles that will:

- Establish a coherent urban framework that identifies with the town and which promotes continuity and enclosure where public and private space is clearly distinguished
- Identify, protect and enhance important view lines and promote legibility
- Consolidate the Esplanade as the principal gateway to St Helier
- Establish a distinctive area character that responds to the scale of its maritime context as well as the existing wider townscape of St Helier
- Create a clearly defined, high quality, legible public realm throughout, comprising a rich network of public streets and spaces that will be easy to get to and move through and which will stimulate and enhance pedestrian activity
- Provide elegance and quality in new design that reflects and interprets the special character of Jersey
- Respond to the maritime environment through the design and layout of buildings, streets and spaces which take account of the micro-climate
- Manage traffic and parking so that they have a minimal impact upon the pedestrian environment.

4.3 In pursuit of these principles new development needs to respond to existing character in order to reinforce local identity. Existing natural and built features must be clearly identified and used as part of the framework that determines and guides new development. Existing viewlines, vistas and landmarks have all a role to play in expressing and building the character of new areas, whilst reflecting and recognising Jersey's character and helping the legibility of the area.

New developments along important arterial and entry routes need to recognise the importance of those areas and respond with high quality urban design and architecture. Where sites connect to either existing or planned development, those connections need to reflect the nature, scale and form of that development so that integration between development sites is delivered seamlessly.

4.4 New development must reflect and recognise the need to create new spaces and to frame or enhance existing spaces and places. Open space needs to be configured not only to provide visual interest but to generate activity that gives vibrancy, life and vitality. Surveillance of the public realm needs to be considered as part of the physical framing of any public space. Public space provision in connection with the existing and proposed footpath links must be designed to provide maximum connectivity between new development sites and the existing framework of pedestrian linkages to the Waterfront. All development requiring car parking must be accommodated in a manner which avoids any visual impairment of the Waterfront.

## **POLICY**

In considering proposals the Minister will take the following matters into account and will refuse schemes that do not address the context of the development relative to the existing urban fabric of St Helier. All schemes must:

- Protect important vistas and viewlines
- Reflect the special character and nature of Jersey's architecture and the urban structure, grain, density and mix of St Helier and respond to and reinterpret that character
- Provide interest and quality within urban design and architecture to those entrances and gateways to the town and to the individual sites within the Waterfront
- Create open space, in the form of public streets and spaces, appropriate to the scale and layout of buildings which reflect the nature, scale and grain of urban St Helier and which consider the local micro-climatic conditions
- Use materials and colours which are appropriate to the Waterfront's context and which contribute to the setting and framing of buildings and spaces
- Provide interest and variety in the detailed design of the buildings which respond to building location, the use of the building and its relationship to existing and proposed development
- Recognise that diversity and homogeneity both have roles to play in creating a successful urban environment and avoid continuous building heights, façade treatments and blank walls
- Creates strong linked, well detailed connections and links through the site maximising permeability and the legibility of the site, to promote and ensure the integration of the site with existing infrastructure and the rest of St Helier

Each applicant will be obliged to submit a design statement in support of their scheme. The matters to be covered within the statement are included in Appendix A of this report.

## 5. Open Space, Linkages and Gateways

5.1 The perceived isolation of the Waterfront from St Helier is a familiar criticism. At present there are established routes to and around the old and new Marinas which give limited access to the sea edge.

### 5.2 Design Principles

The pedestrian links from St Helier are recognised as imperfect and requiring improvement. The new 'bridge' between Esplanade Square and Les Jardins has been agreed in principle, was part of the W.D.F. (2001) and has been the subject of refinement to the extent that its location is now fixed. It is necessary to build upon the existing pedestrian channels flowing out from St Helier and developing these as a means of guiding pedestrians to and through the new and proposed development sites. Any such routes should reflect urban design qualities and be designed as public spaces and should seek to provide access for all users, including people with disabilities and mobility impairments.

Those trips through the new sites need to provide a convenient but visually rewarding experience to their users. This should be provided by designing in variety and diversity in their orientation, their form and their settings. The materials used in their construction and in their surroundings must reflect the robust and durable nature that their seafront location requires. There is no requirement that each space expresses the same proportions or the same pattern of materials. Each space and link should be legible in its own right but be part of a family of places that guides and gives pleasure and logic to pedestrians as they move through.

St Helier has open space whose dimensions and character are familiar to residents and visitors. These spaces, their special character and materials already provide important clues to designers.

The maritime location of the Waterfront can present challenging weather conditions. Designers of buildings, streets and spaces need to take into account the local micro-climatic conditions to avoid creating an inhospitable environment in certain weather conditions.

### 5.3 POLICY

The Minister will require new development to contribute to a rich network of direct and connected routes within and beyond any specific application site on the Waterfront and to illustrate how they connect to the existing and proposed pedestrian framework.

The Minister will require that pedestrian links are designed and finished in high quality, durable natural materials, with the provision of appropriate street furniture and lighting.

The Minister will require new development to contribute to the public realm through the creation of well-designed public areas of open space which relate to the buildings around it and which are the subject of detailed plans which illustrate all hard and soft landscaping

The Minister will require that all new links and areas of open space recognise and respond to existing vistas and landmarks, and are designed to maximise these elements.

## 6. Traffic and Transportation

6.1 The Waterfront Enterprise Board has commissioned a report into the traffic implications of a major development of the Waterfront from Consulting Engineers Faber Maunsell. This report was completed in October 2005. This work is currently under review by the Transport and Technical Services Department and there remain certain aspects of the report that are the subject of further work. Notwithstanding the reservations expressed, it is recognised that the Faber Maunsell report has completed a thorough job of examining existing trip generation with a view to predicting the likely trips that will be generated by proposals of new development in the Waterfront. However, the report cannot be endorsed in its entirety at this time.

### 6.2 Design Principles

The Waterfront must provide a safe and secure environment for pedestrians with vehicles relegated to a secondary service role. Provision must be made for each development site to provide a level of parking provision appropriate to what is proposed. To that extent a certain level of vehicular access is necessary but it must defer to the needs of the pedestrian, cyclist and those with restricted mobility. Street level parking should be excluded, thereby providing for the ability to model and construct public spaces without having to compromise for the motor vehicle.

The broader implications of additional or amended traffic movements and their impact off site will be addressed. It may be necessary to agree changes to the existing road network to accommodate new development and the delivering of such requirements may need to be the subject of a Planning Agreement. Each of the development sites are likely to generate different requirements as a result of their different land use profiles.

The Island Plan (Policy TT22) requires that travel plans be submitted for all major new developments. The purpose of such plans are to deliver sustainable transport objectives by:

- Reducing car usage
- Offering incentives to use public transport
- Improving cycling to work opportunities
- Reviewing car parking supply

Travel plans need to be enforceable and may therefore need to be controlled through Planning Agreements.

### 6.3 POLICY

The Minister will require that each applicant submit a travel plan as part of the formal planning application

The Minister will require that, where deemed necessary, a formal planning agreement will be required to address improvement to the road network, signalization or contributions to the public transport system in order to address any identified shortcomings associated and directly related to the new development.

## **7 Environmental Considerations**

7.1 The Planning and Environment Department will require a full Environmental Statement for developments likely to have significant impacts on the environment (Island Plan Policy G5). An indication of the scope of an Environmental Statement is provided in Appendix 2 and also includes a full assessment of impacts on human health. The scope will be formally agreed between the Planning and Environment Department and the developer in advance of the planning application.

### **7.2 Drainage**

The Waterfront lies on the edge of the Marine Protection Zone (Island Plan Policy M1). Careful consideration must be given to the management of surface water run-off from the site into this ecologically valuable marine environment. Detailed proposals should include a Drainage Impact Assessment.

### **7.3 Biodiversity**

Urban green space management sometimes consists of highly managed, largely artificial landscapes used for many competing interests and maintained using methods not always sympathetic to biodiversity. A more integrated approach to management is needed paying attention to the needs of local wildlife, which regards maintenance of biodiversity as a key management aim. The reclamation site is currently made up ground and as such perceived as of little ecological value. Enhancing the local habitat and ecology should be a major consideration for the preparation of the detailed proposals in response to this development brief. Development within the Waterfront area should follow the conservation objectives within the Urban Biodiversity Habitat Statement produced by the Environment Department.

### **7.4 Energy**

The built environment is responsible for an estimated 45% of all greenhouse gas emissions. It is during the design process where decisions are made which can have the greatest influence on reduction of the impact of the built environment. Buildings for the Waterfront should be able to demonstrate high levels of environmental performance in terms of energy efficiency, with high levels of insulation and high-performance windows. As a minimum, studies should be carried out to avoid the need for air conditioning, particularly in atrium spaces. Developments proposed for the Waterfront should be encouraged to achieve an "Excellent" or at least "Good" certification under the BREEAM (Building Research Establishment Environmental Assessment Method).

## 7.5 **Materials selection**

### **Sustainable Construction Materials**

Developments should aim to:

- reduce the consumption of irreplaceable material assets;
- promote reuse and minimise waste;
- promote prudent use of sustainably managed natural and semi-natural resources;
- promote recycling of construction waste;
- demonstrate effective protection of the environment.

These points should be demonstrated by a materials use and purchasing strategy.

## 7.6 **Waste Management**

The production of waste represents a misuse of resources and provides a particular challenge in an Island setting where the limited availability of land restricts our options for dealing with unwanted materials in a sustainable manner. Construction and demolition activities account for over 70% by weight of Jersey's solid waste: annually over 300,000 tonnes of inert materials is delivered for disposal to the La Collette Reclamation site. A proportion of the construction and demolition waste received at La Collette is recycled as secondary aggregates but the site has a limited life span so we must minimise the production of inert waste wherever possible. For this to be successful consideration of how to avoid unnecessary waste needs to begin at the earliest stages of planning and design. In accordance with policies WM1 and WM2 of the Island Plan 2002, a Waste Management Plan will therefore be required as an integral part of the Environmental Impact Assessment.

## 7.7 **Land contamination**

Parts of the Waterfront area are known to have some level of contamination remaining from their former use. The Planning and Environment Department expects developers to take account of all existing information and to address any contamination problems arising as part of their development proposals.

Desk studies and site survey information are already available, which outline the nature and extent of contamination. The developer should follow Supplementary Planning Guidance, Planning Advice Note 3: Development of Potentially Contaminated Land and contact the Environment Department for further guidance on survey and remediation.

## 7.8 Noise

Some of the roads in the brief area generate high levels of noise. This will be an important consideration in the development of the Waterfront. Developers should pay special attention to the location of new development and its orientation to busy roads, and include measures to minimise the impact of noise on new residents and occupiers. The Planning and Environment Department will expect full liaison with the Health Protection Department at an early stage to address this issue.

## 7.9 Inundation by the sea

Sea level will rise over the next century and beyond. Within the lifetime of the development the Waterfront has the potential to be affected by both sea level rise and predicted increases in high-level storm surges as a result of climate change. Developers will be required to demonstrate that due consideration has been taken of these changes within the design of the development.

### **POLICY**

The Minister will require an Environmental Impact Assessment to be completed for each of the three major sites in accordance with Policy G5 within the Island Plan. Schemes that do not address all the issues itemised in the forgoing chapter will not be approved.

## 8. Planning Agreements

Well planned and sensitive development on the Waterfront can offer great benefits to the Island. It can provide new homes, work places, leisure facilities and it can stimulate the economy. Inevitably new development brings an impact on the environment, existing services and infrastructure which sometimes places extra burdens and costs on the community. The Island Plan (Policy G10) recognised this and last year detailed guidelines were published to give clarity in the use of Planning Agreements. (The use of Planning Agreements/Obligations, March 2005)

### **Design Principles**

It is likely that where planning conditions are not appropriate that Planning Agreements will be sought in order to deliver community benefits arising from new development. It is possible that those benefits may take the form of works within and outside the Waterfront and could encompass new road widening, signalisation, pedestrian crossings, footpath widening and financial contributions to sustainable transport options if deemed appropriate. It is also possible that contributions could be sought for the provision of public art and improvement to existing amenity and open space. Community and civic facilities may also be realised through the use of Planning Agreements. In each case the need for such an agreement will depend upon the particular circumstances of the case, their location of the facility in question and the extent to which the provision of the facilities deemed necessary can be delivered by a planning condition

## **POLICY**

The Minister will enter into a Planning Agreement when it meets a number of key tests. These tests are:

- that it is necessary (to make a development acceptable in planning terms)
- that it is relevant to planning
- that it is directly related to the proposed development
- that it is fairly and reasonably related in scale and kind to the proposed development
- that it is reasonable in all other respects

# Appendix 1

## Design Brief Template

This is an extract from the Urban Character Appraisal, St Helier.

This is a typical structure for a design brief but it is important to note that not all of the issues outlined below are relevant to any given site. In particular, when setting out the site-specific guidance the only topics that should be included are those that are considered to be essential to the eventual successful integration of the development.

The amount of detailed guidance should be kept to a minimum so that critical design parameters are established early in the design process whilst still giving designers flexibility and opportunities for the creative resolution of the client's brief.

SECTION HEADINGS	EXPLANATION
1 Introduction	
Purpose of the brief Background Key background documents	
2 Description of the site	
Site boundary/extent Historical development Site sensitivity	What characteristics of the site have triggered a design brief
3 Planning context	
Relevant planning policies/objectives Environmental, heritage or landscape designations Planning history	In or near the site
4 Consultations	Where these have already taken place/if consultation is required
Bodies consulted Outcome and implications of consultation	
5 General urban design objectives	
Key urban design challenges/objectives Vision for the site/ area Short/medium/long term issues affecting the site/area	States of Jersey objectives for urban quality, for example Land use, planning or property dynamics, for example
6 Character area description	Relevant extract from the Urban Character Appraisal
7 Character area design guidance	Relevant extract from the Urban Character Appraisal

*Not all of the issues below will be important for every site but this list can be used as a checklist of potentially relevant topics*

- |   |   |
|---|---|
| view/visual issues                            | <ul style="list-style-type: none"> <li>• will the development be especially visible</li> <li>• if visible, does this require a sensitive approach or should it be exploited</li> </ul>  |
| landscape                                     | <ul style="list-style-type: none"> <li>• are there existing views in or around the site that should be protected or exploited</li> <li>• are there natural features that should be protected</li> </ul>   |
| topography/levels                             | <ul style="list-style-type: none"> <li>• is there a landscape type/character that should be maintained in the new development</li> <li>• will level changes affect the development</li> </ul>   |
| traffic/vehicle circulation/parking/servicing | <ul style="list-style-type: none"> <li>• is there a preferred way of designing with the topography</li> <li>• what are existing traffic circulation arrangements</li> <li>• are there preferred arrangements for access and principal circulation</li> <li>• are there preferred arrangements for dealing with parking and servicing</li> </ul> |
| pedestrian circulation                        | <ul style="list-style-type: none"> <li>• are there rights of way/existing pedestrian access points</li> <li>• are there key desire lines that should be accommodated</li> <li>• is there a need for innovative traffic management techniques</li> </ul>   |
| public space                                  | <ul style="list-style-type: none"> <li>• is there a need to give particular consideration to people with special needs, the elderly or children</li> <li>• is there a specific requirement for open space on the site</li> <li>• what type of space is required, for what use/user group</li> <li>• is it public or private</li> </ul>          |
| public transport                              | <ul style="list-style-type: none"> <li>• is there a need to relate to public transport e.g. create pedestrian links to bus stops</li> </ul>   |
| distinctiveness/diversity/integration         | <ul style="list-style-type: none"> <li>• should this development aim to integrate seamlessly into the adjacent context or can it stand out</li> </ul>   |
| vitality/animation                            | <ul style="list-style-type: none"> <li>• is this development exclusively private or should it have public uses</li> <li>• are there preferred locations on the site for public uses</li> <li>• is there a particular requirement for active ground floor uses anywhere on the site</li> </ul>   |
| boundaries/edges                              | <ul style="list-style-type: none"> <li>• are any of the site boundaries especially sensitive</li> <li>• how should those boundaries be treated – open/enclosed, soft/hard, large scale/low</li> </ul>   |
| horizontal/vertical                           | <ul style="list-style-type: none"> <li>• is there a case for the development to have a vertical or horizontal emphasis to the elevation, or could either be justified</li> </ul>  |
| corner treatments                             | <ul style="list-style-type: none"> <li>• should the corner be celebrated as a landmark feature, kept simple and elegant, or could a case be made for either</li> <li>• if it is to be a landmark, is there a preference for how that might be done e.g. tower, setback, projection</li> </ul>   |
| colour  | <ul style="list-style-type: none"> <li>• is there a need to specify a certain palette or recommend an especially striking, subtle or contextual colour choice</li> </ul>  |
| materials                                     | <ul style="list-style-type: none"> <li>• is there a need to specify certain types or colours of materials to stand out or blend with the immediate</li> </ul>   |

massing and frontage proportions

building line

scale of detail

roofs/roofscape

context

- is there a need to specify the height, width and bulk of the building envelope or main elevations
- are there particular parts of the site where the scale of the development needs to be controlled
- should the building adhere to a prescribed building line
- should setbacks or projections be considered
- are there specific issues about the richness of detail in surrounding buildings that should be taken into account
- is the roofscape especially visible from above
- is there a case for precluding a particular roof shape
- is the height of eaves line a significant design issue
- is there a case for recommending a specific material or colour

## 9 Next steps

Submission requirements

Approvals process

## Appendix Two

### Environmental Impact Assessment

#### A Guide to Procedures (Appendix 5 – Office of the Deputy Prime Minister)

##### Appendix 5: Checklist of matters to be considered for inclusion in an environmental statement

This checklist is intended as a guide to the subjects that need to be considered in the course of preparing an environmental statement. It is unlikely that all the items will be relevant to any one project. (See paragraphs 31 and 32 of the main text.)

The environmental effects of a development during its construction and commissioning phases should be considered separately from the effects arising whilst it is operational. Where the operational life of a development is expected to be limited, the effects of decommissioning or reinstating the land should also be considered separately.

#### Section 1

##### *Information describing the project*

- 1.1 Purpose and physical characteristics of the project, including details of proposed access and transport arrangements, and of numbers to be employed and where they will come from.
- 1.2 Land use requirements and other physical features of the project:
  - a. during construction;
  - b. when operational;
  - c. after use has ceased (where appropriate).
- 1.3 Production processes and operational features of the project:
  - a. type and quantities of raw materials, energy and other resources consumed;
  - b. residues and emissions by type, quantity, composition and strength including:
    - i. discharges to water;
    - ii. emissions to air;
    - iii. noise;
    - iv. vibration;
    - v. light;
    - vi. heat;
    - vii. radiation;
    - viii. deposits/residues to land and soil;
    - ix. others.
- 1.4 Main alternative sites and processes considered, where appropriate, and reasons for final choice.

## Section 2

### **Information describing the site and its environment**

#### **Physical features**

- 2.1 Population - proximity and numbers.
- 2.2 Flora and fauna (including both habitats and species) — in particular, protected species and their habitats.

#### **Broadway Friarsgate Planning Brief 31**

- 2.3 Soil: agricultural quality, geology and geomorphology.
- 2.4 Water: aquifers, water courses, shoreline, including the type, quantity, composition and strength of any existing discharges.
- 2.5 Air: climatic factors, air quality, etc.
- 2.6 Architectural and historic heritage, archaeological sites and features, and other material assets.
- 2.7 Landscape and topography.
- 2.8 Recreational uses.
- 2.9 Any other relevant environmental features.

#### **The policy framework**

- 2.10 Where applicable, the information considered under this section should include all relevant statutory designations such as national nature reserves, sites of special scientific interest, national parks, areas of outstanding natural beauty, heritage coasts, regional parks, country parks and designated green belt, local nature reserves, areas affected by tree preservation orders, water protection zones, conservation areas, listed buildings, scheduled ancient monuments, and designated areas of archaeological importance. It should also include references to relevant national policies (including Planning Policy Guidance notes) and to regional and local plans and policies (including approved or emerging development plans).
- 2.11 Reference should also be made to international designations, e.g. those under the EC 'Wild Birds' or 'Habitats' Directives, the Biodiversity Convention and the Ramsar Convention.

## Section 3

### **Assessment of effects**

Including direct and indirect, secondary, cumulative, short, medium and long-term, permanent and temporary, positive and negative effects of the project.

#### **Effects on human beings, buildings and man-made features**

- 3.1 Change in population arising from the development, and consequential environment effects.
- 3.2 Visual effects of the development on the surrounding area and landscape.
- 3.3 Levels and effects of emissions from the development during normal operation.
- 3.4 Levels and effects of noise from the development.
- 3.5 Effects of the development on local roads and transport.
- 3.6 Effects of the development on buildings, the architectural and historic heritage, archaeological features, and other human artefacts, e.g. through pollutants, visual intrusion, vibration.

### ***Effects on flora, fauna and geology***

- 3.7 Loss of, and damage to, habitats and plant and animal species.
- 3.8 Loss of, and damage to, geological, palaeontological and physiographic features.
- 3.9 Other ecological consequences.

### ***Effects on land***

- 3.10 Physical effects of the development, e.g. change in local topography, effect of earth-moving on stability, soil erosion, etc.
- 3.11 Effects of chemical emissions and deposits on soil of site and surrounding land.
- 3.12 Land use/resource effects:
  - a. quality and quantity of agricultural land to be taken;
  - b. sterilisation of mineral resources;
  - c. other alternative uses of the site, including the 'do nothing' option;
  - d. effect on surrounding land uses including agriculture;
  - e. waste disposal.

### ***Effects on water***

- 3.13 Effects of development on drainage pattern in the area.
- 3.14 Changes to other hydrographic characteristics, e.g. groundwater level, water courses, flow of underground water.
- 3.15 Effects on coastal or estuarine hydrology.
- 3.16 Effects of pollutants, waste, etc. on water quality.

### ***Effects on air and climate***

- 3.17 Level and concentration of chemical emissions and their environmental effects.
- 3.18 Particulate matter.
- 3.19 Offensive odours.
- 3.20 Any other climatic effects.

### ***Other indirect and secondary effects associated with the project***

- 3.21 Effects from traffic (road, rail, air, water) related to the development.
- 3.22 Effects arising from the extraction and consumption of materials, water, energy or other resources by the development.
- 3.23 Effects of other development associated with the project, e.g. new roads, sewers, housing, power lines, pipe-lines, telecommunications, etc.
- 3.24 Effects of association of the development with other existing or proposed development.
- 3.25 Secondary effects resulting from the interaction of separate direct effects listed above.

## **Section 4**

### ***Mitigating measures***

- 4.1 Where significant adverse effects are identified, a description of the measures to be taken to avoid, reduce or remedy those effects, e.g:
  - a. site planning;
  - b. technical measures, e.g:
    - i. process selection;
    - ii. recycling;
    - iii. pollution control and treatment;
    - iv. containment (e.g, bunding of storage vessels).

- c. aesthetic and ecological measures, e.g:
  - i. mounding;
  - ii. design, colour, etc;
  - iii. landscaping;
  - iv. tree plantings;
  - v. measures to preserve particular habitats or create alternative habitats;
  - vi recording of archaeological sites;
  - vii measures to safeguard historic buildings or sites.

4.2 Assessment of the likely effectiveness of mitigating measures.

## **Section 5**

### ***Risk of accidents and hazardous development***

- 5.1 Risk of accidents as such is not covered in the EIA Directive or, consequently, in the implementing Regulations. However, when the proposed development involves materials that could be harmful to the environment (including people) in the event of an accident, the environmental statement should include an indication of the preventive measures that will be adopted so that such an occurrence is not likely to have a significant effect. This could, where appropriate, include reference to compliance with Health and Safety legislation.
- 5.2 There are separate arrangements in force relating to the keeping or use of hazardous substances and the Health and Safety Executive provides local planning authorities with expert advice about risk assessment on any planning application involving a hazardous installation.
- 5.3 Nevertheless, it is desirable that, wherever possible, the risk of accidents and the general environmental effects of developments should be considered together, and developers and planning authorities should bear this in mind.

