

## **2011 Island Plan: Interim Review (1)**

### Policy NE6 Coastal National Park Question 6

Prepared by MS Planning Ltd  
on behalf of Jersey Water

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## **Policy NE6: Coastal National Park**

Q6. Does the Interim Review Plan, subject to the Minister's response adequately address the need for public water supply, whilst safeguarding the CNP?

Jersey Water support the Minister's proposed amendments (as set out in Vol. 1) to:

(A) paragraph 2.113 and  
(B) paragraph 9.72

as these adequately address the potential strategic needs of the public water supply whilst enabling the Minister to assess any future works of a strategic scale through the Planning process in the context of policies NE6 and NR9.

However, (C) the potential further restriction to the Planning and Building (General Development)(Jersey) Order 2011, is not supported should this impact on the operational requirements of Jersey Water.

### **Item A**

It is understood the Minister is not minded to amend Policy NE6 but is minded to amend the pre-amble to state:

Para. 2.113 ' . . . Specifically, this might include . . . the expansion of Val de la Mare reservoir; and the expansion of sand quarrying in St. Ouen's Bay. Similar considerations would also apply to any proposals to extend, replace or renew the La Rosiere desalination plan in the CNP'.

It is requested the Inspectors confirm their agreement of this amendment.

### **Item B**

It is understood the Minister is not minded to amend Policy NR9 but is minded to amend the pre-amble to state:

Para. 9.72 'It is possible that during the remainder of the Plan period, there will be a requirement to increase the storage and supply of water resources to meet the Island's needs. Jersey Water's stated preference to achieve this is to increase the storage capacity of Val de la Mare Reservoir. The reservoir is located within the CNP where there is a presumption against development. Should this option be pursued there will be a requirement to demonstrate that it meets a proven need that serves the Island's interests, relative to a proper assessment of alternative options of meeting that need, whilst seeking to mitigate the environmental implications as far as possible'.

It is requested the Inspectors confirm their agreement of this amendment.

### **Item C**

The Minister's response does not address Jersey Water's comments in relation to the restriction of General Development rights.

Notwithstanding the Minister has confirmed that separate consultation is required to amend the General Development rights, Jersey Water seek the Inspectors' recommendation that the general development rights that utility companies currently enjoy should remain.

In order to adequately address the need for public water supply, whilst safeguarding the CNP the balance should be in favour of Jersey Water carrying out works without the need for planning permission.

Jersey Water is subject to legislation that requires works to be undertaken at their premises, regardless of Planning Policy, in order to ensure the collection, treatment and distribution of water on the Island, including:

- The Water (Jersey) Law 1972
- The Reservoirs (Jersey) Law 1996
- The Water Resources (Jersey) Law 2007
- Health and Safety at Work (Jersey) Law 1989

The Planning and Building (General Development) (Jersey) Order 2011, Part 6, Class A and B allow for a variety of minor works *'required for the purposes of a function exercised by the authority on that land'*, *'structures or works required in connection with the operation of a public service administered by them'* and *'work necessary to lay, place, inspect, repair or renew a drain, sewer, main, pipe, line or cable or other apparatus for the provision of a service to the public or any portion of the public'*.

This allows Jersey Water to carry out all but the largest works without the need for planning permission, and therefore is able to conform to their legal requirements. To date, Jersey Water has discharged this function whilst maintaining public amenity and the scenic value of its sites within the CNP.

Jersey Water is of the view that the many small but important engineering works may be delayed and become more costly due to the addition of planning controls, and any Conditions. Much of the minor works are simply driven by engineering requirements which, essentially, is the company's day to day business. In particular there is the potential for each application to become a political debate on how the public water system could be managed. To date there has been no need for strict planning controls and this approach has resulted in an effective public water system and sites that contribute positively to the CNP.

Larger works would still be subject to the Minister's control and therefore the current balance between the need for planning permission and general develop rights is appropriate.