



2011 Island Plan: interim review (#1) Coastal National Park and Green Zone

July 2013

Purpose

The purpose of this briefing paper is to set out the basis for the proposed revision of Island Plan 2011 Policy NE6: Coastal National Park and associated polices for the countryside.

Background

A number of factors have contributed to the review of Policy NE6, as follows:

Draft guidance

In May 2012, the Minister for Planning and Environment published draft supplementary planning guidance on the application of Policy NE6: Coastal National Park¹. The purpose of the draft guidance was to promote clarity and consistency in the application and uses of planning policy in the Coastal National Park (CNP) particularly in relation to those exceptional circumstances provided for by the policy where new development may be permitted.

The consultation took place from May to July 2012. Eight responses to the consultation were received in the form of the completion of the online survey and the submission of 11 written representations, as well as some correspondence through the media. The analysis of the survey response is at appendix 1.

Royal Court appeals

Since the adoption of the 2011 Island Plan and the application of Policy NE6 a number of planning appeals have been considered by the Royal Court the judgements of which raise issues in relation to the policy and its use. In particular the cases of Le Vouest (Dixon)², taken together with the decisions in relation to Eventide (Stenson)³ and Beach House (Le Boutillier)⁴; as well as the case at Beauport Place (Hobson)⁵, raise issues worthy of consideration within the context of the preparation of draft guidance for the CNP.

Island Plan Review

Finally, following the intent of the Minister, supported by the Council of Ministers, to set aside Island Plan Policy H3: Affordable housing and to replace it with another

¹ see: <http://www.gov.je/Government/Consultations/Pages/CoastalNationalPark.aspx>

² See www.jerseylaw.je Dixon v Minister for Planning and Environment 20 Dec 2012

³ See www.jerseylaw.je Steenson v Minister for Planning and Environment 14 Dec 2009

⁴ See www.jerseylaw.je Le Boutillier v Minister for Planning and Environment 11 May 2012

⁵ See www.jerseylaw.je Hobson v Minister for Planning and Environment 19 Nov 2012

policy mechanism⁶, coupled with the acceptance of the States to review parts of the Island Plan, including Policy NE6 as part of P.71/2013⁷ a wider opportunity is presented to review not only guidance to support Policy NE6 but to review the policy itself, to deal with issues that have been raised above.

Discussion

Whilst the volume of consultations responses to the publication of draft guidance has been relatively small, it has secured a range of views, from residents of the CNP; from those involved in the development industry; from interest groups; and from the Environment Scrutiny Panel (ES Panel), and thus captures a broad range of interests and a variety of perspectives, providing it with legitimacy upon which to base a review of policy and guidance.

Notwithstanding the varied perspectives of respondents and the relatively limited level of response, some clear issues emerge which is helpful in informing change. The consultation response, together with Royal Court judgements, are considered to present the following key issues requiring attention in a review of the planning framework for the CNP.

Clarity

It is evident that whilst the structure and content of the draft guidance appeared to assist with a greater understanding of how the policy was to be applied, there are still areas that require further work and amendment.

In particular, it is clearly identified that there is a lack of precision in the use of the terms ‘development’ and ‘redevelopment’, in addition to the use of the tautology ‘new development’ within the policy and supporting guidance.

It was also suggested, on a number of occasions, that there was contradiction between the draft guidance and the existing policy, probably related to a lack of clarity about the relationship between the two and/or a lack of clarity in the original policy itself.

Linked to the issue of clarity is the length and apparent complexity of the policy and guidance. The ES Panel, in particular, make frequent comment about this, suggesting that the policy and the guidance was “too long, confusing and very difficult to follow” and that “a more succinct SPG is required”. Contrary to this, however, is the view that “although very desirable to provide an ‘idiot’s guide’ to describe the policy – the subtlety of it (means that) elaboration is necessary” and that “the categorisation allows for targeted reading and research” (Carlo Riva).

In light of this the Minister for Planning and Environment proposes the revision of the pre-amble and the policy to:

1. clarify what is meant by development and redevelopment relative to proposals for change of use/ conversion and; demolition and replacement of buildings in the CNP;
2. remove the tautological ‘new development’;
3. provide a more explicit and comprehensive explanation of potential exceptions to the presumption against development in the CNP in both the reasoned justification and the policy itself for all different types of development.

⁶ See <http://www.gov.je/News/2013/Pages/ChiefMinisterStatementPriorities.aspx>

⁷ See <http://www.statesassembly.gov.je/AssemblyPropositions/2013/P.071-2013.pdf>

Protection and objectivity

The strongest concern to emerge is that the existing policy is weak and that the draft guidance, if adopted, would serve to further undermine protection for the CNP. This view is expressed by a majority of respondents including CNP residents, interests groups such as the Societe Jersiaise and the Friends of Les Mielles, and the ES Panel.

The basis for this relates to concern that; the 2011 planning regime is comparatively weaker than that which previously existed under the 2002 Island Plan; and it is being interpreted and applied in a more permissive manner.

Together, it is considered that this is undermining the objective of the 2011 Island Plan to ‘maintain and enhance the natural environment’ of the CNP and the purposes of the Planning and Building Law.

The planning framework extant from 2002-2011 included Island Plan polices such as the Zone of Outstanding Character and Green Zone, as well as guidance in the form of the St Ouen’s Bay Planning Framework. The key difference in terms of the level of protection afforded between the two regimes is that the earlier framework included objective parameters of assessment such that in:

- St Ouen’s Bay Planning Framework: replacement dwellings had to be ‘of a similar size’;
- Zone of Outstanding Character: extensions of any size were not permitted and the redevelopment of any existing dwelling had to be of the same or lesser footprint;

The current policy regime has no objective guidelines about size and is based purely on subjective assessments, such as a ‘reduction in visual scale’ for the scale of developments including both extensions and replacement buildings, which are explicitly identified as potential exceptions to the presumption against development.

(With regard to the prohibition of extensions under the former ZOC regime, it is relevant to note that this zone embraced only those more remote parts of the CNP and, as a consequence, had fewer existing buildings within it. The current CNP includes both the former ZOC as well as parts of the Green Zone, such as all of St Ouen’s Bay, including its escarpment, as well as the wooded valley slopes along the North and NE coast, and Gorey Common, which includes a larger number of established land uses and buildings.)

The lack of objective parameters within either policy or draft guidance gives concern to many respondents, and the Royal Court as evidenced from the content of its relevant judgements, that the current regime is more permissive despite the ‘strongest presumption against development’ and that it lacks clarity. Many respondents call for the introduction of specific floorspace levels or percentage increases in overall size to be specified in order to allow an objective assessment of development proposals, as operated by a number of UK national park planning authorities e.g. Exmoor National Park Planning Authority.

Many respondents also cite examples of development permitted in sensitive locations in the CNP including the former Portelet Holiday Village, Wolf’s Caves and La Coupe as manifestations of this more lax policy regime. Whilst this argument is somewhat flawed (as all of these developments were approved under 2002 Island Plan policy regime), it is clear from these, and other more recently approved developments in similarly sensitive locations (some of which have

subsequently been overturned on appeal to the Royal Court), that the strict interpretation and application of a more prohibitive planning framework in the CNP has softened. Many respondents also suggest that the tone of the policy and guidance suggest that the strong presumption against development is somewhat secondary and that there is, in effect, a presumption in favour of potential exceptions.

In light of this the Minister for Planning and Environment proposes the revision of the pre-amble and the policy to:

4. make it explicit that the list of exceptions in Policy NE6 is not automatically permissive and that there will be cases where they will not be acceptable;
5. raise the threshold for assessment of development in the CNP to 'harm the landscape character of the area' (compared with serious harm to the landscape character in the Green Zone);
6. re-introduce some objective assessment of development proposals in the CNP such that
 - a. for extensions, their design and scale should remain subservient to the existing building and should not disproportionately increase the size of it in terms of its gross floorspace or building footprint⁸;
 - b. for extensions to residential buildings, their purpose and function would not lead to a significant increase in the occupancy of the dwelling;
 - c. for replacement buildings, it is no larger, in terms of gross floorspace or building footprint, than the building being replaced⁹.

Minor development

The practice of dealing with planning applications and Royal Court judgements, particularly that at Beauport Place (Hobson), has raised the question of what form of minor development should be explicitly permitted in the CNP.

The potential removal of permitted development rights in the CNP has been raised at consultation and whilst there are strong views on both sides of the argument, there is general support for this in order to better regulate the impact of minor development upon this fragile environment.

In light of this the Minister for Planning and Environment is to propose;

7. the removal of certain permitted development rights in the CNP. This matter can be expressed as a proposal in the revised Island Plan but will need to be brought back to the Minister for formal consideration in the context of potential change to the GDO which would involve further formal consultation prior to adoption.

In accord with the general principle that to restrict all development is the CNP is unreasonable, it follows that some minor forms of development will be acceptable here where they are ancillary to the principal land use and where they do not cause harm. To reflect this, the potential change of permitted development rights, and the better regulation of minor development in the CNP which currently requires

⁸ Where gross floorspace and building footprint is measured to the external walls of the original building, including any porches and conservatories, but excluding any non-habitable accommodation and detached outbuildings

⁹ Where gross floorspace and building footprint is measured to the external walls of the building to be replaced including any porches and conservatories, but excludes any detached outbuildings.

express permission in the CNP, the Minister for Planning and Environment proposes the revision of the pre-amble and the policy to;

8. provide a framework against which minor forms of development might be assessed; and in so doing;
9. explicitly state that there will be presumption against the development of ancillary outbuildings in the CNP because of the fragility of the landscape character here.

Strategic development

The final issue that was raised during consultation was that relating to strategic forms of development and the need to ensure that the CNP policy gave explicit recognition to the fact that this may need to occur in the CNP: this was raised mainly by Jersey Water relative to the potential requirement to extend Val de la Mare Reservoir, which sits in the CNP, within the current Plan period.

This point is accepted and, in light of this the Minister for Planning and Environment proposes the revision of the pre-amble and the policy to:

10. give explicit recognition for the potential for strategic development in the CNP and to provide a framework for its assessment; and that,
11. consequential amendments are also made to Policy NR9: Utilities infrastructure facilities, to reflect this amendment.

On the basis of the above, Policy NE6 and its reasoned justification is proposed for amendment, through a formal revision of parts of the 2011 Island Plan, to provide:

- greater clarity and comprehensiveness about the planning policy regime that will apply here;
- a stronger protection regime as a result of:
 - explicit acknowledgement that some potential exceptions may be unacceptable;
 - a more robust test of acceptability i.e. ‘harm’ to the landscape character, as opposed to ‘serious harm’; and
 - the re-introduction of some objective parameters of assessment;
- explicit recognition that some minor incidental development may be acceptable but that this ought to be brought within greater control, through the removal of some permitted development rights, and that there will be a presumption against the development of ancillary buildings in the CNP;
- explicit recognition that some strategic development may be required in the CNP.

In so doing, it is also considered that consequential amendments should be made to Policy NR9: Utilities infrastructure facilities, to reflect this proposed amendment to NE6 relating to strategic development.

Supplementary planning guidance

Given the proposed revision to Policy NE6 and its reasoned justification, the requirement for the issuing of supplementary planning guidance is negated.

Policy NE7: Green Zone

It is, however, considered appropriate that the policy regime for the remainder of the countryside i.e. Policy NE7: Green Zone, also be amended to ensure a consistency of approach.

This essentially seeks to adopt the same structured approach to policy and reasoned justification as that set out for the Coastal National Park, including the proposed new objective assessment for extensions and replacement buildings.

The key differences between the two policies is reflected in the following:

- the Countryside Character Appraisal will inform the sensitivity of the landscape types in the CNP and GZ, where the test for the acceptability of an exception to the presumption against development in both areas will be that:
 - no harm is caused to the landscape character in the CNP; and
 - no serious harm is caused in the GZ;
- new cultural and tourism devt in CNP has to support the purposes of the park
- the following exceptions may be permissible in the GZ but not in the CNP;
 - multi-generational accommodation;
 - staff and key agricultural worker accommodation
 - ancillary buildings and structures (residential and employment);
 - managed open spaces (playing fields, cemeteries, allotments).

Appendices

1. Consultation response and analysis

Appendix 1

Policy application: NE6 Coastal National Park

Consultation feedback: online survey

Coastal National Park supplementary planning guidance  SurveyMonkey

1. This guidance is clearly written and easy to understand.

		Response Percent	Response Count
Strongly agree		0.0%	0
Agree		76.0%	6
Don't know		12.5%	1
Disagree		12.5%	1
Strongly disagree		0.0%	0

Please give reasons for your answer.

4

answered question

8

skipped question

0

2. This structure of the guidance - which sets out four different forms of land use and development and then examines how the policy will be applied to each in turn – is clear and easy to use.

		Response Percent	Response Count
Strongly agree		12.5%	1
Agree		37.5%	3
Don't know		37.5%	3
Disagree		12.5%	1
Strongly disagree		0.0%	0

Please give reasons for your answer.

4

answered question

8

skipped question

0

3. This guidance is too long and repetitive.

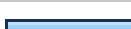
		Response Percent	Response Count
Strongly agree		25.0%	2
Agree		25.0%	2
Don't know		12.5%	1
Disagree		37.5%	3
Strongly disagree		0.0%	0

Please give reasons for your answer.

1

	answered question	8
	skipped question	0

4. This guidance should not contain any information that can be found elsewhere e.g. it should not re-iterate Island Plan policy.

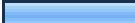
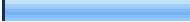
		Response Percent	Response Count
Strongly agree		25.0%	2
Agree		12.5%	1
Don't know		0.0%	0
Disagree		37.5%	3
Strongly disagree		25.0%	2

Please give reasons for your answer.

4

	answered question	8
	skipped question	0

5. The guidance is helpful in understanding how the exceptions to Policy NE6: Coastal National Park will be applied by the Minister.

		Response Percent	Response Count
Strongly agree		25.0%	2
Agree		37.5%	3
Don't know		12.5%	1
Disagree		0.0%	0
Strongly disagree		25.0%	2

Please give reasons for your answer.

2

answered question	8
skipped question	0

6. The content of the guidance provides a useful supplement to the Island Plan.

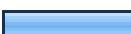
		Response Percent	Response Count
Strongly agree		25.0%	2
Agree		37.5%	3
Don't know		25.0%	2
Disagree		0.0%	0
Strongly disagree		12.5%	1

Please give reasons for your answer.

2

answered question	8
skipped question	0

7. Small-scale changes to land and buildings that can be presently undertaken without the need for planning permission should be brought within planning control.

		Response Percent	Response Count
Strongly agree		87.5%	8
Agree		25.0%	2
Don't know		25.0%	2
Disagree		0.0%	0
Strongly disagree		12.5%	1

Please give reasons for your answer.

4

answered question	8
skipped question	0

Appendix 1

Policy application: NE6 Coastal National Park

Consultation feedback: online survey comments

Statement 1: The guidance clearly written and easily understood	
R. Anthony, Societe Jersiaise	Yes, because we agree with the principles
Carlo Riva, Riva Architects	The guidance is certainly very helpful. The subject matter is still complex however, and might still require further elaboration to landowners. Given the Finite nature of the zone and the commercial/agricultural developments within it, the use of specific named examples would help to illustrate the planning issues discussed.
Nicolas Jouault, St Lawrence	I thought we already had adequate planning rules and regulations that are generally not adhered to, so to make up another pretend policy seems to be more unwanted bureaucracy that will keep the civil servants busy and be just more waste of tax payers money. The previous Island plan had all the needed categories and legislation in it, this is just tinkering and another bullsh*t idea from the spin ministers. I would like to take this opportunity in saying once again that "Coastal National Park" is a misnomer as it actually protects little of the maritime area and there is little or no protection and management of the actual sea that one generally associates with the coast. Please lets have some serious marine conservation areas implemented and managed to go with the coastline which would go to making the Island a leading place in Europe for marine biodiversity and be of benefit to a failing tourism industry and help and maintain the long term future of the dwindling fisheries. The 2012 strategic plan 2012 green paper stated the following: "Despite considerable progress in the last few years there are some major issues that we see that need to be addressed in the short and medium term are: Protecting over-exploited fish stocks and marine biodiversity; Despite considerable progress in the last few years there are some major issues that we see that need to be addressed in the short and medium term are: Protecting over-exploited fish stocks and marine biodiversity;" Not sure where the progress bit comes from, perhaps it is that the Environment Department actually recognise that there is a problem.
Anonymous	self explanatory
Wayne Le Marquand, La Pulente	The planning officers and Panel do not seem to understand Policy NE6 or its exemption to policy. It is open to personal interpretation.

Statement 1: The guidance clearly written and easily understood....contd.	
Environment Scrutiny Panel	The draft runs to 16 pages, which are intended to clarify and explain a policy of two and half pages. Panel members found the guidance confusing and very difficult to follow, and were left feeling the draft confused the Island Plan policy to such an extent that it undermined the original policy. There seemed to be contradictory references, extensive duplications and in one example we believe it actually steps outside the parameters of the States approved Policy – this is explained in comments later
Statement 2: The structure of the guidance clear and easy to use	
R. Anthony, Societe Jersiaise	Yes, because we agree with the principles
Carlo Riva, Riva Architects	This categorisation allows for targeted reading and research.
Nicolas Jouault, St Lawrence	As stated previously, look at the planning principles that were broken in building down at La Collette reclamation site, somewhere that was once a very pleasant bit of coastline. Plus the awful buildings on the waterfront that were allowed by the previous corrupt and inept previous Minister, not that the current one appears any better.
Anonymous	To a certain level
Wayne Le Marquand, La Pulente	Not clear but it is ambiguous. It is immoral and I believe, unlawful to apply the Island Plan 2012 ratified and adopted in June to applications that were applied for in the period of time previous Island Plan as has happened to us..
Environment Scrutiny Panel	<p>Members of the Panel found the structure of the SPG very difficult to follow and understand. One of these categories being employment land is totally confusing, since this is not really a land use but a characteristic, this category cuts across uses.</p> <p>Trying to work out which section applies is very difficult. It raises lots of queries, for example which section of the guidance applies in redundant or abandoned tourism or worn out commercial buildings, which used to employ people but are now blots on the landscape. Are they allowed to be demolished and rebuilt for new uses, or must they be converted, in which case how does the policy ensure the desired environmental improvements and sustainability are achieved? Also, to what scale is this permitted?</p> <p>The SPG avoids this key issue.</p>

Statement 3: The guidance too long and repetitive	
Carlo Riva, Riva Architects	Although it would be very desirable to provide an illustrated 'idiots guide' to describe the policy - the subtlety of the policy details might be overlooked. To provide a balanced understanding of the policy applied to a 'living landscape' - elaboration is necessary
Wayne Le Marquand, La Pulente	Does not explain clearly there are no set guidelines. Open to personal interpretation.
Environment Scrutiny Panel	Absolutely yes, a more succinct SPG is required with very clear statement of what is allowed. The Panel considers that the fact that 16 pages are seen to be necessary suggests that neither the Minister nor his officers are yet totally clear about this policy. It would be better to set out firm principles and clear parameters for development which would provide greater certainty and avoid wasted arguments and costs on both sides
Statement 4: The guidance should not contain information which can be found elsewhere i.e. the Island Plan	
R. Anthony, Societe Jersiaise	Safer to be repetitive
Carlo Riva, Riva Architects	This SPG is a standalone document, which assists research. It manages to offer a full and comprehensive assessment of the Island Plan policy document
Anonymous	other information is required to put this document into context.
Anonymous	If something is changed in the IPP the relevant infomation should be given
Wayne Le Marquand, La Pulente	I believe it should re-iterate the Island Plan and not differ.
Environment Scrutiny Panel	There is a big danger that the SPG as drafted will confuse and undermine the Island Plan Policy NE6 which is at reasonably clear in its intentions. Therefore the SPG should not repeat but cross refer to the Island Plan Policy, which could be appended in full and unedited.

Statement 5: The guidance is helpful in understanding how the exceptions to Policy NE6 will be applied by the Minister

Carlo Riva, Riva Architects	It will hopefully guide any subsequent legal challenges.
Nicolas Jouault, St Lawrence	Just stop building on the sensitive areas of coastline simples.
Wayne Le Marquand, La Pulente	We had an application turned down where the one for one policy was quoted as definitely not clear at a PAP meeting : to date no clarification has been given.
Environment Scrutiny Panel	<p>The Panel found the guidance not at all clear, indeed in parts it appears confusing and contradictory. As drafted the SPG considerably weakens and undermines the Policy, there are too many opportunities for the document to be interpreted differently and create a minefield of uncertainty for the Minister, Planning Panel, Planning Officers and the public to resolve.</p> <p>There is a strong argument for setting out some quantitative limits of permitted floor areas of construction, reduction in scale mass for the different categories rather than rely entirely on the subjective judgment of "improvement". Experience has already shown that such looseness is open to arguments and if left unchecked will cause wasted time, costs and frustration and lead to creeping urbanization.</p> <p>In our most special areas of the National Park there is a case for being prescriptive and setting firm limits on development and redevelopment. If this is not done in our National Park, then Green Zone policy will also be weakened</p>

Statement 6: The content of the guidance provides a useful supplement to the Island Plan

R. Anthony, Societe Jersiaise	Because it is necessary
Nicolas Jouault, St Lawrence	The new Island plan ignored many of my suggestions regarding the coastline, so what makes me think anything I say or do will be taken on board this time. There was consultation regarding the Ramsar areas the outcome of this was never published, lets have some open and transparent government please.

Wayne Le Marquand, La Pulente	I believe the Island Plan should not be amended further, particularly to be made more onerous and more restrictive.
Environment Scrutiny Panel	As drafted the SPG detracts from it and weakens the Policy. It will lead to arguments and confusion.

Statement 7: Permitted development rights should be restricted in the Coastal National Park	
R. Anthony, Societe Jersiaise	Difficult to define 'small scale'. Better be tight rather than loose in a sensitive area
Carlo Riva, Riva Architects	Although we begrudgingly welcome further restrictions, we feel that to achieve the goals of this policy such protection will be required.
Nicolas Jouault, St Lawrence	Property owners and builders need to be made aware of the importance and value of the coastal zone, in many cases they have undertaken some hideous and awful changes that will never be rectified. This extra onus may make them think a little harder.
Anonymous	there are far to many laws and regs less is best
Wayne Le Marquand, La Pulente	I believe it is against one's rights to be treated differently to other's rights. The Island Plan was agreed on the previous consultation with islanders. There is enough regulation covered in NE6 already.
Environment Scrutiny Panel	This proposal regrettably seems to clamp down on the small individual householder by imposing harsh restrictions on them, whilst leaving the door wide open for developers to press for large scale redevelopment schemes in the National Park on the basis of arguments for "improvements". This is not equitable. If firm limits are to be set on householders, then there should be firm limits for developers. The Panel does not favour this proposal.

Appendix 1

Policy application: NE6 Coastal National Park

Consultation feedback and response: written submissions

	Issue	Response
a.) G. Romeril Bonne Nuit Bay	<ul style="list-style-type: none"> Explicit acknowledgement that ‘prohibition of all development in the CNP would be unreasonable’ represents a softening of CNP policy 	<ul style="list-style-type: none"> Whilst there is the strongest presumption against development in the CNP, it has always been acknowledged that there are existing buildings there and that to prohibit all development would be unreasonable. The revised policy attempts to provide greater comprehensive and clarity about the type of exceptions that may be permissible. There is also explicit acknowledgement that in some cases, potentially permissible exceptions will not be acceptable.
b.) RA Kirsch St Ouen’s Bay	<ul style="list-style-type: none"> If Jersey wishes to attract wealthy people, they will want to live in beautiful areas and must not be frightened away by draconian measures: surely P&E have enough control as it is? 	<ul style="list-style-type: none"> The removal of PD rights is proposed to ensure that the fragile landscape character of the CNP is better protected; Properties in the CNP currently enjoy the same permitted development rights as those in the rest of the Island
c.) Friends of Les Mielles St Ouen’s Bay	<ul style="list-style-type: none"> NE6 is weaker than the former Zone of Outstanding Character policy in the 2002 Island Plan because extensions to residential properties are now permitted and there is no objective parameters for replacement dwellings, which were both features of the former policy; The claim to ‘maintain and enhance’ the character of the countryside is not, therefore, being fulfilled; The current policy and guidance has no reference to ‘size’ but relies upon ‘a reduction in visual scale’; Extreme restrictions on permitted development rights in the CNP may be a burden on the DoE resulting in further delay in the determination of planning applications. 	<ul style="list-style-type: none"> Proposed amendment seeks to re-introduce some objective parameters of assessment; The resource implications of any change to the GDO will remain to be considered as part of any proposed revision to it.

<p>d.) JR Snowden St Ouen's Bay</p>	<ul style="list-style-type: none"> • Greater clarity is required in the use of terminology related to 'development' and 'redevelopment'; • Policy purports to 'provide the highest level of protection from all development'. This implies that any development should be a rare event. The draft guidance would appear to run counter to this provided that any development can demonstrate a 'reduction in visual impact' which could be achieved as superficially as applying a different colour paint; • Quantitative measures should be set if CNP is not to suffer significant erosion e.g. Exmoor National Park Authority restricts replacement dwellings to floorspace of dwelling being replaced and the same, as well as others, limit extensions to c.25-35% of the floorspace of the original dwelling, as first built; • The Island Plan and draft guidance are inconsistent at 6.310 and 4.3 respectively; • It is essential that permitted development rights in the CNP are reviewed if it is to be protected from creeping development; • The draft guidance's interpretation of the Island Plan policy is too lax and will result in undue harm to the CNP. Whilst small changes to residential property should be permitted, there should be no room for expansion or replacement of a newly acquired dwelling. 	<ul style="list-style-type: none"> • The requirement for greater clarity in the use of language is accepted and the proposed amendment seeks to address this; • Proposed amendment seeks to re-introduce some objective parameters of assessment;
<p>e.) K. and S. Dixon St Ouen's Bay</p>	<ul style="list-style-type: none"> • The consultation paper does not maintain and enhance levels of protection for the CNP; • Earlier policy regimes employed objective parameters, i.e. <ul style="list-style-type: none"> ◦ St Ouen's Bay Planning Framework: prohibited extensions which created a 'separate dwelling or annexe that could be used as a separate dwelling' and replacement dwellings had to be 'of a similar size'; ◦ Zone of Outstanding Character: extensions of any size were 	<ul style="list-style-type: none"> • Proposed amendment seeks to re-introduce some objective parameters of assessment;

	<p>not permitted and the redevelopment of any existing dwelling had to be of the same or lesser footprint;</p> <ul style="list-style-type: none"> • The current policy regime has less protection as it has no objective guidelines about size and is based purely on subjective assessments, such as a ‘reduction in visual scale’; • extension of a dwelling in the countryside in the CNP ought not to result in an intensification of use i.e. additional bedrooms should not be permitted but larger bathrooms or kitchens are acceptable; • broadly agree with the removal of permitted development rights in the countryside. 	
f.) Chamber of Commerce St Helier	<ul style="list-style-type: none"> • Frustrated that comment is ignored evidenced by earlier submissions, on guidance about foul drainage and affordable housing. • Strongly object to potential removal of permitted development rights in the CNP on the basis that this iniquitous and that works currently permitted are not considered to have a damaging impact on the landscape character of the CNP • Objection to principle of no new dwellings in the CNP for spatial strategy reasons. Some locations in CNP are closer to town than in the Green Zone, where the creation of new households e.g. accommodation for dependent relatives, is permitted. • Question why conversion of traditional granite outbuildings is not permissible in CNP; • If not viable use for them found, they will fall into disrepair • Objection to requirement for commercial redevelopment to deliver a reduction in scale. A like for like replacement should be permitted if visual improvement and restoration of landscape character can be delivered. 	<ul style="list-style-type: none"> • All comment received as part of consultation is considered: whether it is of sufficient weight or substance to influence the outcome is a matter for the Minister. • It is not just a matter of distance from town but about the wider consideration of a more sustainable pattern of development • Explicit reference to a permissible exception for change of use (involving conversion) to secure the viable alternative use of a traditional farm building included in revised policy • Revised policy regime seeks to clearly set out requirements for different forms of development in CNP

	<ul style="list-style-type: none"> • Objection to requirement to justify CNP location to extend or intensify existing uses as this adds cost. • Objection to the presumption against the redevelopment of glasshouses and modern agricultural buildings in the CNP • Suggest a quantitative measure, of say 25% reduction in occupancy, where the conversion of an existing hotel to residential use is proposed in CNP. • Consider the need to demonstrate a reduction in dependence of the car to be unrealistic • Support reference to the potential requirement to extend Val de la Mare 	<ul style="list-style-type: none"> • There is the strongest presumption against any new development in the CNP and any new development which extends or intensifies an existing use needs to be adequately justified, particularly if it can be sited elsewhere. • The development of glasshouses and modern sheds in the CNP would have been justified as an exception to the general presumption against development in the countryside in order to support the agricultural industry. Where these buildings are no longer to be used to support agriculture the economic justification to redevelop them for other uses is generally overridden by the presumption against new development in CNP. • The establishment of a specific quantitative level of reduction is arbitrary. Proposed amendment seeks to re-introduce some objective parameters of assessment
g.) National Trust for Jersey St. Mary	<ul style="list-style-type: none"> • Consider that SPG must have regard to the purposes of the Planning and Building Law, specifically the protection of amenities and the Island's natural beauty as well as seeking to ensure that the coast is kept in its natural state. • Welcome proposal to adopt and publish Countryside Character Appraisal as SPG • Concerned to ensure that good design and/or landscape enhancement is achieved without an increase in the size of buildings in the CNP; 	<ul style="list-style-type: none"> • CCA to be issued as SPG

	<ul style="list-style-type: none"> NTfJ does not support the approval of additional floorspace as a way of securing good design resulting in developments such as those at Portelet and Wolf's Caves. NTfJ considers that NE6 does not permit the conversion of commercial buildings to residential use whereas the draft guidance suggest that it may be a permissible exception. NTfJ consider that any policy change requires the approval of the States. Support the extension of the removal of permitted development rights in the CNP on the basis of the regulation afforded to Listed buildings 	<ul style="list-style-type: none"> Revised policy regime seeks to clearly set out requirements for different forms of development in CNP Extent of change to permitted development rights remains to be determined and will be the subject of separate consultation related to proposed change to the GDO.
h.) Wimberley St Mary	<ul style="list-style-type: none"> The highest level of protection espoused by Policy NE6 is not reflected in decisions e.g. development at Portelet, La Coupe and Wolf's Caves The coastline is being privatised, in terms of physical and visual access, by private development, which is bad for social and community cohesion. SPG needs a firmer status than just a 'material consideration' otherwise it may be set aside. Draft guidance implies that scale of extensions could be generous which seems to challenge the thrust of the policy which presumes against development; Would favour the use of an objective measure for extensions to be limited to 25% or less Similarly draft guidance does not seek to provide any quantitative limit on scale of replacement dwellings which appears to be at odds with the policy intent to prohibit small changes, such as extensions of domestic curtilage. 	<ul style="list-style-type: none"> The developments at La Coupe, Portelet and Wolf's Caves were approved under the 2002 Island Plan policy regime (in 2004; 2005; and 2010 respectively). One of the purposes of the Coastal National Park is to promote the understanding and enjoyment of the special qualities of the National Park by the public and the planning system will seek to contribute to these objectives where it can by seeking to secure public benefit from the regulation of private development. Any associated guidance will be material to any decision affecting the CNP. Any departure from policy and/or guidance, will require appropriate justification. Proposed amendment seeks to re-introduce some objective parameters of assessment; Proposed amendment seeks to re-introduce some objective parameters of assessment;

	<ul style="list-style-type: none"> Draft guidance states that Policy NE6 does not permit redevelopment of modern agricultural buildings or glasshouses but would permit their change of use. This appears muddled and suggest a potential loophole which requires clarification and closing. Support the review of permitted development rights 	<ul style="list-style-type: none"> Policy clearly sets out the policy regime for the development of modern agricultural buildings and glasshouses.
i.) Environment Scrutiny Panel	<ul style="list-style-type: none"> Pre-amble and policy of relevant strategic IP polices should be included in SPG. Sequential approach of SP3 requires explanation in SPG. Policy GD2 has been omitted from the guidance Support publication of Countryside Character Appraisal as SPG. Could this not be re-issued as a new SPG Panel do not support restriction on creation of new households in CNP and consider that exceptions, e.g. creation of a two generation home, should be permissible. The Panel favour quantitative limits for the scale of extensions and reductions in the scale of mass in relation to redevelopment schemes. The Panel consider that the draft guidance conflicts with the IP policy in relation to the matter of the conversion of commercial bldgs for residential use. The Panel favours the policy regime of the 2002 Island Plan which included the Zone of Outstanding Character and the Green Zone within what is now the CNP 	<ul style="list-style-type: none"> These polices are set out to provide strategic context and they can be found in full, i.e. with supporting pre-amble, in Island Plan; Inclusion of more detail in SPG runs counter to other views of Scrutiny Panel that 'guidance is too long and repetitive: a more succinct SPG is required'. GD2 is referenced where demolition is referred to in the guidance e.g. para 6.3.9. Explicit reference to the proposal to publish the CCA as SPG is made at 5.1.4 of draft guidance.

j.) Jersey Water	<ul style="list-style-type: none"> Absence of explicit reference to likely strategic requirement to expand Val de la Mare in the Plan period; Reliance on Policy NR9 considered insufficient. 	<ul style="list-style-type: none"> Explicit reference to potential requirement for extension to Val de la Mare Reservoir included in both pre-amble and policy, but subject to full EIA process and demonstrable consideration of alternatives.
k.) G. MacRae St. Ouen's Bay	<ul style="list-style-type: none"> Guidance vague and imprecise based on qualitative policies; Favours quantitative policy, such as that used in the New Forest National Park, which sets out specific floorspace areas and % increase relative to existing dwelling; Greater clarity is required in the use of terminology related to 'development' and 'redevelopment'. 	<ul style="list-style-type: none"> The establishment of quantitative guidance (usually expressed as a %) is arbitrary and the impact of the same proportionate increase can have significantly different impacts depending upon the capacity of the site and local context to accept change; Proposed amendment seeks to re-introduce some objective parameters of assessment
l.) J. Nugent Corbiere	<ul style="list-style-type: none"> Explicit exception for extensions is not subject to any quantitative test; The only test is qualitative 'measured' by a subjective assessment of 'serious harm'. 	<ul style="list-style-type: none"> The establishment of quantitative level of extension (usually expressed as a %) is arbitrary and the impact of the same proportionate increase of extension can have significantly different impacts depending upon the capacity of the site and local context to accept change; Proposed amendment seeks to re-introduce some objective parameters of assessment.