

Day 3 – Thursday 16 January 2014
NE6 Policy commences at 11.00 am

There is a great deal of discussion with regard to Policies NE6 (Coastal National Park) and NE7 (Green Zone) together with their supporting text. It will assist greatly if participants have so far as possible read the various statements and background documents. Your co-operation in not simply repeating what is in written statements, and in avoiding repetition or deviation, will be much appreciated.

Several participants refer to the St Ouen's Bay Planning Framework 1999 with regard to Policy NE6 and the Countryside Character Appraisal 1999 with regard to both policies. The former was superseded on designation of the Coastal National Park but may nonetheless remain a useful document for reference and comparison purposes. Extracts from the latter are incorporated into the Island Plan and its draft Review and the document as a whole is intended to provide an ongoing input to decision making as Supplementary Planning Guidance. Both have been made Core Documents for the purposes of the EiP and participants may make reference to either.

The Inspectors intend to proceed as follows:

Q1. Do the proposed revisions to Policy NE6 and its supporting text provide sufficient clarity to obviate the need for Supplementary Planning Guidance? What are the advantages, or disadvantages, from seeking to encapsulate the Policy and guidance on its application solely within the Island Plan?

At the outset and to set the scene for the remaining questions on NE6 and NE7, the Department of the Environment's representative will be asked to confirm the extent to which the Draft Review changes are intended solely to clarify the scope and application of the Policies or to amend their emphasis.

The Department of the Environment's representative will also be invited to elaborate on the problems with Policy NE6 perceived to have arisen with regard to the Royal Court judgments listed in the footnote to page 1 of the Coastal National Park and Green Zone Briefing Paper (**CD IP3**).

Subject to that it is hoped that participants will suspend, just momentarily, their respective views on the substance of Policy NE6 and its explanatory text and contribute in a collective and collegiate way to whether the Draft Review explanatory text (whether or not modified in the light of the ensuing debate) would be better set out within the Island Plan or separately as Supplementary Planning Guidance.

It is hoped that this presentational issue will be concluded within about 20 minutes.

Q2. Does the revised Policy strike the right balance between achieving the primary purposes ascribed to the Coastal National Park (paragraphs 2.58 and 2.59 of the Proposed revision document) while recognising that the extent of the Park takes in existing buildings and land uses?

Q3. Could the Policy be more succinct while still adequately expressing its aims?

Q4. Does the revised Policy strike the right balance between objective and subjective criteria against which to judge potential exceptions to its strongest presumption against all forms of [new] development?

These three questions are at the heart of the debate and it is expected that discussion will continue to about 1 pm.

Participants' views vary from those who see the draft revisions as weakening safeguards in the CNP to those who describe the changes as overly prescriptive. Examples, actual or hypothetical, of how either criticism might manifest itself in the determination of planning applications may be persuasive; especially welcome will be specific suggestions as to how the draft explanatory text or Policy might be modified.

One issue that arose during Examination of the Draft Island Plan in 2010 was the degree to which policies need to address every eventuality or, if the aims are clear, the extent to which the Planning Authority should have a margin of discretion based on the merits of individual proposals? Does the intention to move to a merits based appeals system (including 3rd party appeals) affect this issue?

Should the consideration of proposed house extensions be based solely on the resulting tangible impacts or should weight be given to the longer term mix of houses available in the CNP? Is it acceptable or even desirable to restrain house extensions in order to retain smaller dwellings within the housing market? Conversely are there economic benefits from attracting high net worth residents/highly skilled employees to the CNP?

Is the Draft Review consistent in its approach to house extensions and replacements? Is the provision of ancillary buildings such as garages, sheds and the like adequately addressed? Should there be any provision for the creation of multi-generational accommodation within the CNP?

Does the Draft Review fairly and adequately address the position of existing businesses within the CNP?

Lunch Break

Q5. The Minister intends to introduce a Proposal in the Island Plan (which would then be subject to further consultation and legal process) to limit Permitted Development rights within the CNP currently conferred by the General Development Order. This would not amount to a prohibition on the forms of development so excluded but would make them subject to consideration by way of planning applications. Is this intention supported and, if so and by reference to the Order, which forms of development would you like to see excluded from its provisions within the CNP? If this proposal goes ahead, the Minister is minded that planning applications required as a consequence should be fee exempt. Do you agree?

There appears to be a measure of agreement between participants that if Permitted Development rights are curtailed within the CNP then planning applications that would not otherwise be required should be fee exempt. There is much less agreement as to whether limiting the rights is justified. Are there examples of the harmful exercise of such rights within the CNP?

It is intended that Q6 will commence at about 2.30 pm.

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

This question is more specific, concerning the Val de la Mare reservoir and La Rosière Desalination Plant. Jersey Water representatives will be attending.