



PLANNING & ENVIRONMENT DEPARTMENT

Draft Island Plan – White Paper  
**Introduction & Format of Plan**  
Minister's Response to consultation  
27<sup>th</sup> May 2010

Ref	Agent	Name	Org/bus.	No.	Title	Response	Suggested changes to the document:	Why you consider this to be necessary:	General Response	Detailed Officer Response	Minister's Recommendation
<b>Introduction &amp; Format of Plan</b>											
DP1014		Colin Buesnel	Dyson and Buesnel Architects		White Paper - Draft Island Plan	Neither	Endorsement of AJA response to draft Island Plan		Noted	Noted	The Minister notes the endorsement of the AJA response to the draft Plan
DP490		Mr Paul Harding	The Association of Jersey Architects		Introduction	Objecting	The AJA is particularly, extremely concerned about the growing pervasive influence of nongovernmental, nonelected, pressure groups over Planning policy and decision making in Jersey. It is becoming increasingly apparent in their influence over the Planning policy and the import given to their opinions is disproportionate to their membership. There is further concern the position they take and opinions they promulgate does not actually reflect the position and views of their own members as it is known their full membership is not always consulted on such matters. The AJA would like to point out the Planning and Building (Jersey) Law 2002 specifically lists all statutory consultee's whom the Planning Minister must consult. There is concern the views of such groups have had undue influence over writing of the 2009 Draft Plan.		Reject	The process of preparing this Island Plan is the most open, transparent and rigorous of any Island Plan that has been developed in Jersey, particularly in relation to the holding of an Examination in Public, which will subject the draft plan and its policies and proposals to independent, expert and impartial scrutiny in public. Furthermore, amendments to the law now require future substantive amendment of the draft Plan, once it enters the process of review in the States Assembly process, to continue to be subject to further public engagement and consultation. On the basis of the above, therefore, it is considered that the justification for the policies and proposals in the Plan will be openly and clearly scrutinised thus enabling the public and States members to take an informed view on the draft Plan prior to a debate on its approval and adoption, based on the wider public interest of the Island. Whilst not material to the draft Plan, individual decisions of the Minister and/or Planning Applications Panel on planning application require justification, whether for approval or rejection, and remain open to challenge through the process of first party or third party appeal processes, should it be felt that any decision is unduly based.	The Minister is not minded to accept the comments made
DP391		Mr Nicolas Jouault		Picture .1	Process	Neither	A small display and an individual at the parish hall was the bare minimum, this needs to be improved upon, perhaps ask the parish to engage teams and individuals for this and		Noted	The consultation period on the draft Plan lasted for six months and officers were available to talk to individuals or groups on	Noted by the Minister

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							perhaps on a more permanent basis.			request about any issues contained therein. The parish exhibitions were just one element of the consultation process.	
DP1015		Ray Shead	The Jersey Chamber of Commerce		Format of the Plan	Objecting	The overall document is very unwieldy and not user-friendly. It is suggested that the Planning Department should try to refine the information and make it more easily usable and in particular, the introduction of more flexibility is essential throughout the Draft Island Plan. With in the document it is stated that on occasions, "the Minister for Planning and Environment will publish Supplementary Planning Guidance" . This raises the question as to when he will he do this and perhaps it should be part of the Island Plan procurement. Timescales with regard to the publication and content of Supplementary Planning Guidance would be beneficial as it would allow the various stakeholder groups to understand what is to be reviewed.		Reject	The provision of a comprehensive and integrated planning policy framework for the Island for the next 10 years inevitably results in a relatively complex and weighty document. During the consultation process attempts were made through leaflets, exhibitions and engagement with the media and the public, to distil the key issues addressed by the draft Plan and the policies and proposals contained within it; The provision of a planning policy framework seeks to provide a constant basis against which decision-makers, applicants and the wider public can view and assess the management of land use change in the Island. Developers, and those seeking to make investment decisions, and people affected by development proposals look to the Island Plan to provide them with a degree of certainty and consistency in relation to decision-making: whilst never wholly definitive, it is important that the Island Plan provides a basis against which decisions can be made and judged. Whilst the Island Plan remains the primary material consideration when assessing development proposals, each case will be considered and judged on its own merits and it remains at the discretion of the Minister to approve a development proposal that runs contrary to the Plan, where he or she considers that there is sufficient justification to do so, and so the Island Plan and the planning system in Jersey always retains a degree of flexibility. Details relating to the development and publication of	The Minister notes the comment made and the Minister is minded to insert further details about the process for dealing with departures to the Island Plan and about the basis upon which the Minister may consider and approve development proposals that are contrary to the Island Plan. Timescales for the development of SPG is provided at Appendix A

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										supplementary planning guidance are provided at Appendix A of the draft Plan	
DP406		Mr Tony Scott Warren			Format of the Plan	Neither	L'Office du Jèrriais supports language and cultural development in Jersey and under the terms of its Partnership Agreement with the Department for Education, Sport and Culture, it is charged with working with organisations to promote Jèrriais as part of local cultural life and to encourage the use and visibility of Jèrriais in public places. The States Strategic Plan 2006-11 includes a commitment at 2.8.3 to work "to revive the language of Jèrriais." In addition, the States Cultural Strategy states that the promotion of Jèrriais is fundamental to the Island's identity. We believe that, as occurs in many other countries, there needs to be linguistic consideration during the planning process. Planning decisions affect the position and visibility of a language at community level. There would seem to be two areas where linguistic considerations need to be part of the planning process. Firstly, the European Charter for Regional or Minority Languages states in Part 3, Article 10, Section 2: In respect of the local and regional authorities on whose territory the number of residents who are users of regional or minority languages is such as to justify the measures specified below, the Parties undertake to allow and/or encourage... g. the use or adoption, if necessary in conjunction with the name in the official language(s), of traditional and correct forms of place-names in regional or minority languages. Although Jersey has not yet ratified for part 3 of the Charter, it would seem to be within States policy and the Cultural Strategy that action should be taken to ensure the survival and/or protection of traditional place-names, whether they be field-names or other names incorporating natural, historical or geographical features. For example, where a development is proposed in a field or on a green-field site, consideration should be given within the planning process to giving protection to the traditional terminology and the correct Jèrriais spelling and grammar. If it is considered inexpedient to preserve the exact form of a traditional name, then a suitable modernised version could be provided in Jèrriais to maintain the link with the area. Alongside the policy of preserving traditional names, consideration and encouragement could also be given to adding to	States Strategic Plan and States Cultural Strategy	Noted	The Minister notes the comments made and will seek to ensure the retention of Jerriais for place names in the draft Plan and will consider its wider use in the planning process	The Minister notes the comments made and will seek to ensure the retention of Jerriais for place names in the draft Plan and will consider its wider use in the planning process

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							<p>the stock of Jèrriais names in all new developments, whether urban or rural. It may be that there is an historic connection or feature, where a Jèrriais name can be revived for a new development or the special culture of Jersey can be brought forward. L'Office du Jèrriais is able and willing to assist at any time with advice in this respect, and it would be useful if the Planning and Environment Department could make the availability of this assistance known to developers. The second area is that of signage. Bilingual signage can be regarded as both a challenge and an opportunity. It may be a challenge in terms of design and/or size, but this challenge is met in many multi-lingual communities. The opportunity is that of visibility. Jèrriais has been described as Jersey's hidden treasure, and greater use of the language in signage would be a very effective way of promoting the principles of the cultural strategy and the distinctiveness of Jersey's public realm. Where signage is provided by public bodies, it would seem to be an entirely appropriate way of meeting States cultural aims. For private and commercial signage, once again it would be helpful if as part of the planning process, applicants could be reminded that bilingual signage is encouraged and that L'Office du Jèrriais is able to assist them. On the question of historic and long-standing signs, any existing Jèrriais should be preserved or replaced with modernised versions which maintain the correct grammar and spelling. In any case we would not like to see Jèrriais excluded from signage by any inadvertent Planning policy. The European Charter for Regional or Minority Languages states in Part 2 Article 7 that In determining their policy with regard to regional or minority languages, the Parties shall take into consideration the needs and wishes expressed by the groups which use such languages We hope that the needs of the Jèrriais community will encourage linguistic considerations to become a part of the planning process and be included in the final Island Plan.</p>				
DP483		Mr Charles Alluto	The National Trust for Jersey		Format of the Plan	Objecting	We think it is important to note that although the draft plan is an extremely comprehensive document it is also unwieldy in nature.	As a result the consultation process may well have benefited from the publication of a brief summary document highlighting the key policies.	Noted	A summary document was produced to assist with the public consultation events and parish exhibitions held for the Island Plan Review process. It is also relevant to note that the publicity associated with the Plan in the	Noted by the Minister

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										media sought to highlight key issues.	
DP484		Mr Charles Alluto	The National Trust for Jersey		Format of the Plan	Objecting	The Trust believes that there would have been value in highlighting the main problems and issues that have arisen in terms of the existing Island Plan and demonstrating how these have been constructively addressed in the new plan. For example has existing policy been sufficiently robust and succinct to prevent misinterpretation at officer, applicant or political level? If the answer is no then have measures been put in place to ensure that future policy does not suffer the same fate?	Without doubt such key issues are of considerable public concern and need to be fully addressed in order to sustain confidence and trust in the Island's planning system.	Noted	Problems and issues were highlighted in the Green Paper and are summarised at the start of each chapter. The nuances of changing policy interpretation and application were also discussed in a number of the themed stakeholder workshops and also at the parish hall workshops. The previous comment of the Trust suggested that the document was unwieldy: to further highlight issues of policy interpretation in the justification for any change to policy would have made it even more so.	Noted by the Minister
DP486		Mr Paul Harding	The Association of Jersey Architects		Format of the Plan	Neither	In general the AJA congratulates the Policy & Projects division of the Planning Department for their work on preparing the 2009 Draft Plan. Overall the Plan is very well written, thorough and precise. Any subsequent criticism of specific aspects is to be taken as comment on the political and social framework that has influenced the Plan, not any reflection on Officers involved with writing the Plan.		Noted	Noted	The Ministers notes, and is appreciative, of the comments made
DP488		Mr Paul Harding	The Association of Jersey Architects		Format of the Plan	Supporting	We commend the clarity of identifying what is an Objective, an Indicator, a Proposal and a Policy. We trust this will assist with separating out overarching aims (Objective) and measures of achievement (Indicator) from the actual Policies (supplemented with SPG's / Master plans defining Proposals) that will be applied to future Planning Applications.		Noted	Noted	The Minister notes the support expressed for the format of the Plan
DP677		Mrs Sue Lissenden			Format of the Plan	Neither	Commend the easiness of the read. There are a few 'cloth-eared ' moments like assessing assets, but these are very few. Have said the document was an easy read. However the repetitions probably considered necessary as you do not expect everyone to read the whole Plan - make it tedious. Some of these could be avoided The use of acronyms, so prevalent in all fields now, made for hold-ups, as the reader sought to make sure MHW, ESA, EIA, LWM, EVA etc were understood and not confused with others. How long before the proposed Coastal National Park becomes CNP, not to be confused with some acronym referring to parking spaces for vehicles?		Noted	Noted	Noted by the Minister

