



PLANNING & ENVIRONMENT DEPARTMENT

Draft Island Plan – White Paper

General Development Control Policies

Minister's Response to consultation

27th 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
General Development Control Policies											
DP636		Mr Richard Le Sueur		1	General Development Control Policies	Neither		I am writing to point out a perceived anti-architectural bias that pervades many of the proposed policies. They start from an assumption that architectural interventions, in urban settings, but particularly in landscape settings, inevitably cause 'harm'. You will be aware of many examples of buildings and constructed artefacts in historic landscapes that enhance our appreciation of the wider setting. The 'natural' world, again particularly in Jersey, is overlain with the manmade and shows how millennia of civilization has shaped the landscape. Policies that seek to preserve vistas and mature trees are symptomatic of a deep seated and well meaning public desire to resist change, but are not based on an understanding of the issues that should inform any new Island Plan.	Reject	The Plan seeks to ensure that Island develops a more sustainable pattern of development and land use and, on this basis, the introduction of new buildings and land uses where presently, there may be none, has the potential to undermine this objective. The draft Plan recognises and acknowledges that the Island's many landscape characteristics are an amalgam of natural and manmade elements and seeks to ensure that their essential characteristics are maintained and enhanced which, in many instances, may facilitate development, provided that it is sympathetic to the characteristic of the landscape. Policy in the draft Plan which seeks to maintain views and vistas will, in many instances, be applicable to perspectives of the built form and not just of the landscape.	The Minister notes the comments made but is not minded to amend the draft Plan
DP186		Mr Stephen de Gruchy		Objective GD 1	General Development Objectives	Supporting			Noted	Noted	Support is noted by the Minister
DP1021		Ray Shead	The Jersey Chamber of Commerce	Policy GD 1	General Development Considerations	Objecting	No reference to Eco-homes or Building Research Establish Environmental Assessment Method (BREAAAM) requirements for commercial developments and residential schemes. There should not be a presumption that only UK architects can produce schemes in line with objective GD1. This is uneconomic, money goes out of the Island, it is difficult to manage, expensive and inappropriate as all senior architects on the Island have been trained off Island. It is recommended that this clearly places energy, carbon emissions and sustainability at the heart of new developments.		Accept	Energy standards for buildings, as set by the Building Bye-Laws in Jersey, are presently the subject of review. Work is also underway to develop, publish and adopt supplementary planning guidance which seeks to promote and encourage the more energy efficient design and construction of buildings, particularly homes. To actively promote energy efficiency in new buildings it is considered appropriate to incorporate a new policy in the draft Plan that reflects the 'Merton Rule' and subsequent variations, by requiring new development above a specified threshold to incorporate	The Minister is minded to amend the draft Plan to require new development above a specified threshold to incorporate renewable energy production.

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										renewable energy production. Not only would this encourage the greater use of and reliance on renewable energy sources (e.g. photovoltaic energy, solar-powered and geo-thermal water heating, energy crops and biomass), it would also encourage energy saving measures to reduce the cost of providing 10% renewables (e.g. greater insulation, greater use of terraces and other energy efficient building forms, condensing boilers, passive stack ventilation, improved interior day lighting standards etc). Matters about the use of non-local architects are not material to the draft Plan.	
DP502		Mr Paul Harding	The Association of Jersey Architects	Policy GD 1	General Development Considerations	Supporting	We are in full support of this section and Policy GD1, GD2 and GD3 except to point out the latter will require an SPG setting minimum density standards without which uncertainty will ensue.		Noted	Noted	Support is noted by the Minister
DP57		Mr Stephen de Gruchy		Policy GD 1	General Development Considerations	Supporting	Support with Caveats Re: paragraph 3(e). I am not sure that the word, "unreasonably" is the most appropriate one. The way 3(e) is drafted, it begs the question, "When would it be reasonable to affect safety?" I suspect the answer is only when it is not material. So, perhaps 3(e) could be amended to say something like, "not affect, to any material extent, the safe operations of"		Accept	The proposed amendment is considered to be more appropriate and to provide greater clarity.	The Minister is minded to amend the draft Plan
DP615		Jason Simon	Simon Sand & Gravel	Policy GD 1	General Development Considerations	Supporting		We were invited to comment on the above policy, specifically Policy GD1. In my opinion the policy more than adequately tries to control future development proposals.	Noted	Noted	Support is noted by the Minister
DP690		Mr Andrew Fleet	Style Group Ltd	Policy GD 1	General Development Considerations	Objecting	Section I should be expanded to state the following, 'unless a more efficient use of the land can be achieved through good design'		Noted, but precise reference point is unclear	Noted, but unclear	Noted by the Minister
DP865		David Warcup	States of Jersey Police	Policy GD 1	General Development Considerations	Objecting		A matter has been brought to my attention regarding the (Draft) Jersey Island Plan, currently in the consultation phase of the process. The existing 2002 Plan clearly states the importance of Designing Out Crime at the planning stage in Policy 09. It would appear from the wording within the current draft that less emphasis seems to have been placed on Designing Out Crime. In particular	Reject	Policy GD1(3)(d) makes it clear that the impact of a proposed development on community safety can be material to the determination of a planning application. The justification for Proposal 1 also makes it clear that further information about	The Minister is not minded to amend the draft Plan

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								the issue of Crime Impact Assessments is mentioned, although not as a specific policy with any guidance notes. It may well be that that an opportunity could be lost with regards to Community Safety. If I or any member of my team can assist further in this matter then please do not hesitate to contact me.		crime reduction assessment may be required to inform the determination of planning applications and that supplementary planning guidance will be issued to inform this.	
DP869		Mr Stephen D Smith	Health Protection Services	Policy GD 1	General Development Considerations	Neither	It is important in any new proposal whether as a government practice or as a stated policy that the ramifications of those aspects are considered in the entirety for their potential impact both positive and negative on the health of the population. This is particularly important for planning matters that have the potential for long term impacts affecting both the environment and through the environment the health of the public.	It is our opinion that all major developments under planning should be subject to a rigorous health impact assessment to determine those impacts, and to ensure that negative impacts are minimised or removed entirely in order to as far as possible protect the health and well being of the population. The plan needs to make this an explicit requirement of applicants for all major developments with agreed independent agents and through open public exercises. The outcomes of those assessments should be mandated upon the development schemes. The improvement and protection of the public health has historically been based on the provision of effective and efficient infrastructure to deal with solid and liquid waste and clean potable water. The islands infrastructure is currently not designed to deal with the current population and therefore the proposal in the States Strategic Plan to permit the expansion of the population creates further issues that must be addressed through any new development proposals. There needs to be a statement that the Island Plan will through development support the repair, improvement and expansion of the islands infrastructure.	Reject	It is considered that the implications of development for health and public infrastructure are already adequately addressed by this draft policy, at GD1(3)(c) and GD1(1)(d). It is also considered that there is sufficient provision under law for the Minister to require further information about the health implications of major development. Proposal 1 also enables the development of supplementary planning guidance to determine thresholds and the level and form of detail required for any such assessments, should it be considered necessary that guidance is needed to inform applicants about the requirements for such information.	The Minister is not minded to amend the draft Plan as the issues raised are already adequately addressed
DP875		Mr Stephen D Smith	Health Protection Services	Policy GD 1	General Development Considerations	Neither	New accommodation in mixed use developments or subject to high external noise environments should be limited, but where appropriate and permitted designed and built to comply with WHO guidelines i.e. a) Bedrooms - internal noise should not be greater than 30dB(A) Leq, 8 hr (23:00 - 07:00 hrs); b) Living rooms - internal noise should not be greater than 35 dB(A) Leq, 16 hr (07:00 - 23:00 hrs); c) Kitchens - internal noise should not be greater than 45dB(A) Leq, 16 hr (07:00 - 23:00 hrs). The provision of acoustic double-glazing and whole house ventilation will be needed to achieve these noise levels. If external noise levels exceed WHO guidance balconies should not be provided.		It is considered that the implications of noise are already adequately addressed by this draft policy, at GD1(3)(c). Proposal 1 also enables the development of	Accept the need for clear guidance	The Minister is minded to amend the draft Plan at Proposal 1 and Appendix A to identify the requirement for additional guidance to establish acceptable thresholds for exposure to noise

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									supplementary planning guidance to determine thresholds for safe and appropriate exposure to levels of noise for different types of development. It is considered appropriate that SPG be developed, in consultation with Health Protection, to develop SPG to address the comments made in order to provide clarity and certainty about appropriate noise standards.		
DP891		Mr Iain Norris		Policy GD 1	General Development Considera	Neither	Recommendation: that a determination time limit is put, and advice is made available, on decisions that, if delayed can result in economic injury or loss of growth opportunities. This is particularly	The development of new product lines often needs a quick response from businesses to meet a window of opportunity and to allow them to react to market forces. This means that where planning	Reject	This representation is essentially related to matters of process rather than policy, and is not considered to be material to the	The Minister is not minded to amend the draft Plan

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					tions		pertinent to Objective GD1 General Development Objectives (5) in the draft IP	applications are required these should be dealt with efficiently and as timely as is possible or the opportunity may be lost. Two recent examples illustrate this issue; Jersey Oyster Company Initial discussions with the Planning Department and other parties started in 2003, and though outline planning permission was granted in 2009 design issues still need to be resolved before construction can start. This has restricted the company's ability to develop new markets and delayed efficiency savings. Woodside Farms Ltd Initial discussions with Planning, Agriculture and Housing started in 2003 and permissions were granted in 2008 for the developments at Woodside Farm, La Rue Coutanche, Trinity and permission for the housing development at La Rue du Petit Aleval, St Peter granted in 2009. This has resulted in missed marketing opportunities and delayed the savings to be made from the restructuring of the business. Comment Design is a proper planning consideration and there is a need for applicants to respond positively to the current design agenda as these two cases highlight. However, all parties need to participate in the planning process in order to reduce delays through proactive advice and dialogue to ensure that both the commercial objectives of a project and the planning requirements are fulfilled. As can be seen the policies advocated within the Rural Economic Strategy and the IPR are in tune. However, in the application of IPR policy, there is a need for proactive advice to be available on all aspects of an application ensuring timely planning decisions can be made within a given time frame. The above will reduce delays in the planning process and give the industry confidence to invest in the future.		draft Plan. The insertion of a policy constraint related to the time taken to determine a planning application is inappropriate and unnecessary. The planning framework, of itself, should contribute towards the ability for the business sector to make investment decisions.	
DP988		Captain Howard Le Cornu	States of Jersey Harbours	Policy GD 1	General Development Considerations	Objecting	The impact any land based development on the visibility of existing navigation marks (both land and sea based) when viewed from the sea should be taken into consideration at the planning stage, especially in St Helier. We would like to see this point strengthened and raised in importance. It is more than 'harm the amenities of the neighbouring uses'.	The RYA and British Marine Federation have produced a useful reference document - 'Planning Guide for Boating Facilities' . We would recommend that this is considered as best practice.	Noted	Policy GD1(3)(e) makes already reference to the impact of development upon the safe operation of Jersey harbours. It is considered, however, that the purpose of this part of the policy should be widened to include reference to development where it does "not affect, to any material extent, the safe operations of" both the Island's harbours and navigation marks.	The Minister is minded to amend the draft Plan
DP145		Acting Chief Officer		Proposal 1	Supplementary Planning	Objecting	See attached letter The existing 2002 Plan clearly states the importance of Designing Out Crime at the planning stage in Policy 09. It would appear		Reject	Policy GD1(3)(d) makes it clear that the impact of a proposed development on community	The Minister is not minded to amend the draft

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		States of Jersey Police			Guidance		from the wording within the current draft that less emphasis seems to have been placed on Designing Out Crime. In particular the issue of Crime Impact Assessments is mentioned, although not as a specific policy with any guidance notes. It may well be that that an opportunity could be lost with regards to Community Safety.			safety can be material to the determination of a planning application. The justification for Proposal 1 also makes it clear that further information about crime reduction assessment may be required to inform the determination of planning applications and that supplementary planning guidance will be issued to inform this.	Plan
DP520		Mr Paul Harding	The Association of Jersey Architects	Proposal 1	Supplementary Planning Guidance	Supporting	Proposals 1-14 & Policies BE1-BE3 - St Helier and other Regeneration / Local Development Zones We welcome and support the principal thrust of these sections, the proposals and Policies.		Noted	Noted	Support is noted by the Minister
DP58		Mr Stephen de Gruchy		Proposal 1	Supplementary Planning Guidance	Supporting	If there is not already such a requirement elsewhere, I think that the Island Plan should place an obligation on the Minister to publicly consult on the draft content of such guidance, before he issues it in final form.		Reject	The Island Plan cannot impose an obligation on the Minister to publicly consult on the development of supplementary planning guidance. SPG is produced under Article 6 of the Planning and Building (Jersey) 2002, which places a requirement on the Minister to consult any Minister or statutory authority with an interest in the development the subject of the guidance. It is relevant to consider, however, the particular nature of the guidance proposed to be issued in relation to Proposal 1. The nature of this guidance is largely informative about matters of process and will seek to inform applicants and developers of the information requirements in relation to planning applications. On this basis, the requirement for consultation is not considered to be particularly pertinent given that the matters to which the guidance will address itself will be largely administrative. It is also relevant to note that, under the provisions of the law (Article 9), the Minister may require an applicant to provide further particulars before making a decision in respect of an	The Minister is not minded to amend the draft Plan

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										application, and may refuse an application where these are not provided. The publication of SPG about the nature of 'particulars' which might be required essentially seeks to inform this process and need not thus necessarily be the subject of consultation.	
DP885		Mr Andrew Heaven	Health Improvement (Public Health Department)	Proposal 1	Supplementary Planning Guidance	Neither	In order to ensure health improvement is actively included within the planning process, supplementary planning guidance for health improvement should be developed with the Public Health Department to support the following areas: Establish a mechanism, with the Public Health Department, which ensures that potential health impacts are routinely assessed in order that health outcomes are known and considered as a part of the planning process.		Noted	It is also considered that there is sufficient provision under law for the Minister to require further information about the health implications of major development. Proposal 1 also enables the development of supplementary planning guidance to determine thresholds and the level and form of detail required for any such assessments, should it be considered necessary that guidance is needed to inform applicants about the requirements for such information.	Noted by the Minister
DP964		Mr Tony Gottard		Proposal 1	Supplementary Planning Guidance	Neither	CRIME IMPACT ASSESSMENT The Minister for Planning and Environment will require all planning applications for the development of new or significant alterations to existing, licensed premises to be accompanied by a Crime Impact Assessment. However the Minister reserves the right to request a Crime Impact Assessment on any scheme that might pose a potential risk of crime and disorder. The purpose of a Crime Impact Assessment in the design of such schemes is to reduce the potential for crime and disorder, and help to allay public fears about a development that could be brought about by lack of information. A Crime Impact Assessment will be drawn up in consultation with the Crime Reduction Officer, States of Jersey Police and will include: The identification of crime and disorder issues in the vicinity of the development site; An assessment of the development proposal in terms of its likely impact on crime and disorder; Suggested design solutions that will reduce the development proposal's vulnerability to crime. Policy The Minister for Planning and Environment requires all planning applications for the development of new or significant alterations to existing licensed premises, such as Pubs, Clubs, Off Licences, etc., to be accompanied by a Crime	We've had a request from the police to replace policy G2 (xiv) design out crime with a Crime Impact Assessment policy. OBIB would like to include a policy in the new IP for crime impact assessments on developments for new or significant alterations to existing licensed premises see attached.	Reject	This is a matter of procedure, not policy. The Minister can, by law, require any information to be submitted that he or she considers necessary to determine a planning application. There is no requirement for a policy to achieve this. Policy GD1(3)(d) makes it clear that the impact of a proposed development on community safety can be material to the determination of a planning application. The justification for Proposal 1 also makes it clear that further information about crime reduction assessment may be required to inform the determination of planning applications and that supplementary planning guidance will be issued to inform this.	The Minister is not minded to amend the draft Plan

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							Impact Assessment (CIA). The applicant will be expected to consult with the Crime Reduction Officer, States of Jersey Police and the CIA will include: The identification of crime and disorder issues in the vicinity of the development site; An assessment of the development proposal in terms of its likely impact on crime and disorder; Suggested design solutions that will reduce the development proposal's vulnerability to crime.				
DP1029		Ray Shead	The Jersey Chamber of Commerce	Policy GD 2	Demolition and Replacement of Buildings	Objecting	The policy in effect lists all existing buildings. The approach is supportable but more flexibility needs to be added into the policy so as not to allow abuse of the policy by the Planning Department or by people objecting to plans. The statement "replaces a building that is not appropriate to repair or refurbish" is too restrictive. A statement with regard to carbon, energy and environmental impact seems to be missing.		Noted but not minded to amend Plan	The policy does not 'list' all buildings but requires a justification for any proposed demolition of them; Section 1.9 of the supporting justification sets out some of the environmental considerations that should apply to any assessment of proposal to demolish a building.	The Minister notes the comments made but is not minded to amend the draft Plan
DP1108		Mr Ben Ludlam	C Le Masurier Ltd	Policy GD 2	Demolition and Replacement of Buildings	Objecting		It is not always possible to refurbish or repair properties and the definition of what is appropriate is highly subjective and leads to uncertainty.	Noted	The policy acknowledges that it is not always possible to repair or refurbish buildings and the policy seeks to require the case for demolition to be clearly set out and justified.	The Minister notes the comments made but is not minded to amend the draft Plan
DP503		Mr Paul Harding	The Association of Jersey Architects	Policy GD 2	Demolition and Replacement of Buildings	Supporting	We are in full support of this section and Policy GD1, GD2 and GD3 except to point out the latter will require an SPG setting minimum density standards without which uncertainty will ensue.		Noted	Noted	Support is noted by the Minister
DP59		Mr Stephen de Gruchy		Policy GD 2	Demolition and Replacement of Buildings	Supporting	Support with Caveats The expression, "appropriate", which appears in paragraph 1, is too vague. Criteria by which to judge when it is not "appropriate" to repair or refurbish should be included in GD2. For example, reference to the likely economic cost of repairs against the anticipated post-repair value of the house may be one consideration.		Noted	The appropriateness of repair or refurbishment versus demolition is likely to vary on a case by case basis. It may, however, be possible to determine a series of key tests and consideration will be given to incorporating these into supplementary planning guidance, to inform the interpretation and use of this element of the policy	The Minister notes the qualified support for this policy
DP691		Mr Andrew Fleet	Style Group Ltd	Policy GD 2	Demolition and Replacement of Buildings	Objecting	Section I should be expanded to state the following, 'unless a more efficient use of the land can be achieved through good design'.		Reject	The reasoned justification, at 1.9, seeks to set out the considerations that need to apply to any assessment of the wider sustainability of demolition versus repair and refurbishment: it cannot thus simply be a case of stating that a new, more modern building is more efficient.	The Minister notes the comments made but is not minded to amend the draft Plan
DP103		Ray	The	Policy	Density of	Supporting	Minimum densities of development in infill or		Noted	Noted. Supplementary guidance	The Minister

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0		Shead	Jersey Chamber of Commerce	GD 3	Development		brown field sites should be encouraged by setting specific minimum densities at each and every opportunity. This would therefore allow for any possible opportunity of redevelopment to be maximized thus ensuring the minimum amount of intrusion into the countryside. Focus on demand on resources, energy and emissions should be encouraged. A better definition of how solutions can be arrived at is required. There should be a separation between urban and rural areas.			will be developed and published which will seek to establish density standards throughout the Island, with varying standards for urban and rural locations	notes the qualified support for this policy
DP1186		Valerie Harding		Policy GD 3	Density of Development	Objecting	6.59 " ..land is developed at more efficient and higher densities of development than previously achieved" . The words efficient and higher densities are a contradiction. If the States plan to use the UK density of development then all brownfield sites will eventually have 200+ units of housing which is far to dense anywhere in the island. This is " sink estate" size and could lead to social and neighbourhood problems in a few years. Nothing efficient in this type of build. The current maps of brownfield sites in the Island Plan show one field designated and numbered for initial development but other field s coloured in along side which implies larger development hence the figure of 200+ per site. The development at Goose Green Marsh (to which many Parishioners objected) has 102 units and is like a rabbit warren and a blot on the landscape and this is a private development not a States one. Have the following been taken into account: when reaching a 4000 figure:- local youngsters who attend university in the UK rarely ret urn to live in the island so these should not be included in the estimate. Several people are currently living in the island that are working under a contract and in due course will leave Jersey. More people are living at home with their parents than at any time in the past 30 years. Many local younger couples live in France and commute to work in Jersey. Itinerant immigrants will not stay in the island and could not to afford to buy anyway. Many Madierans have homes in their own island and will not be buying property in Jersey. There are a large number of empty properties unsold in the island perhaps the States should ensure these are sold/rented first before developing further into the countryside. Restraint on non-residents being able to buy properties in Jersey as an investment . The mind-set that everyone should own their own home is purely a British concept . Thousands of Europeans live in rented flats . Major problems with waste disposal if large scale		Reject	The provision of new development at higher densities is necessary in order to ensure the optimum use of land and also to safeguard the need to develop greenfield sites to provide new homes. The provision of new development at higher densities will not be at the expense of good design or a good quality living environment and other policies in the draft Plan seek to safeguard these elements.	The Minister notes the comments made but is not minded to amend the draft Plan

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							developments go ahead in the countryside . The only saving grace is that the re will be a five year check on development - hopefully.				
DP504		Mr Paul Harding	The Association of Jersey Architects	Policy GD 3	Density of Development	Supporting	We are in full support of this section and Policy GD1, GD2 and GD3 except to point out the latter will require an SPG setting minimum density standards without which uncertainty will ensue.		Noted	Noted	Support is noted by the Minister
DP597		Mr John Pinel		Policy GD 3	Density of Development	Supporting		The achievement of higher densities might involve introducing a greater level of flexibility on matters such as the provision of amenity space and on-site car parking standards Introduction of minimum density standards would be one way of achieving this !!!	Noted	Noted	Noted by the Minister
DP60		Mr Stephen de Gruchy		Policy GD 3	Density of Development	Supporting			Noted	Noted	Support is noted by the Minister
DP867		Mr Robin Troy		Policy GD 3	Density of Development	Objecting	The policy for a greater urbanisation of the town of St. Helier and other built-up areas with a general concept of non-development in other non urban areas, must be resisted; 2. The concept of development of urban areas with greater density and higher buildings in a mistake and, although this may not lead in the short term to development similar to Monaco, would, in my view, in the long term run the risk of doing so. The limits on development and the nature in which it will be permitted under the 2009 Draft Island Plan will cast a die for development under future Island Plans with the only option for the States of Jersey under future Island Plans being to adopt a policy of ever-higher buildings and ever greater density;	As a parent of children in their teens and early twenties , I am extremely concerned that a new concept for the development of residential housing is being introduced with a restriction to development presumption of development in the built-up zone. I also object to the associated concept of greater density with the resulting need for higher buildings on urban sites and the general concept against all residential building in the green zone. In my view such concepts and policies will only result in the value of urban sites being driven up and thereby increase the cost of redeveloped residential units on those sites whilst increased density will result in "little boxes" one on top of one another. I note from my children that they and their friends are appalled at the size and nature of flats and apartments that have been constructed in recent years. It is my view that unless the Island is prepared to ensure that young people have a decent and proper place to live, this Island will lose its natural-born children to other places, with their talents lost to the Island and the investment in them (in connection with their education or otherwise) wasted. It is my concern that if policies are put in place by this Draft Island Plan that centralize development to the urban areas with the inception of a concept at the other end of the spectrum of a presumption against prohibition of development in non-urban areas, that at the end of the ten year period for the 2009 Draft Island Plan, the next step will be to further restrict and prohibit development in all non-urban areas and that development of ever-higher blocks will be the	Reject	The States Strategic Plan takes the Island Plan with meeting the Island's housing needs without the development of any more greenfield sites. To achieve this requires the more efficient and effective use of sites which are already developed which inevitably leads to an increase in density. Comments related to space standards for new accommodation are noted. The Minister will, however, be revising and publishing new standards for residential development to ensure the provision of homes which meet people's needs and aspirations.	The Minister notes the comments made but is not minded to amend the draft Plan

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								only option available to future planners who will have to put forward policies for future Island plans in years to come.			
DP556		Deputy John Le Fondre			Planning Obligations	Neither	Public Realm / Planning Gain etc - whilst possibly not the right place to refer to this, there are some quite significant developments where planning gain has been rightly required, sometimes in the form of public realm. Whilst there is always a financial viability to any scheme, to me the Department should start to take a far more robust attitude to planning gain, such that it should be delivered either prior to the commencement of any project (if practicable), or during the early phasing of the project. There is certainly a concern I have encountered amongst professionals that where planning gain is left to the end of a project, it either takes a long time to be completed, or is never completed, and therefore any perceived benefits to the wider public are lost. To me professional advice should be sought as to how to improve processes to ensure that the department has the correct practical authority and leverage to ensure that the public benefits are received on a timely basis.		Noted	Planning gain can often be delivered through the use of planning obligation agreements where the timescales for the delivery of outputs can be specified and agreed by all parties that are signatories to the legally binding agreement.	Noted by the Minister
DP1031		Ray Shead	The Jersey Chamber of Commerce	Policy GD 4	Planning Obligations	Objecting	It is essential that early confirmation of potential obligations to a scheme is provided at the planning stage so as to allow a Developer to assess the financial implications that might arise. It is suggested that during the pre-application advice stage of an application or a proposal, any planning obligations are highlighted by the Planning Department at this early stage. Some members believe that the use of planning obligations may do the reverse of that intended and stop the development of affordable homes, etc. There needs to be a workable system to deal with this matter and further guidelines agreed so that it does not become overly prescriptive. The position must not be reached whereby if the applicant does not agree to the obligations being imposed a permit will not be issued. Who will decide what planning obligations will be imposed upon a development? The imposition of planning obligations will slow the planning process and will lead to dispute over what is reasonable. Time is also an issue as is cost in negotiating and drawing up legally binding agreements. There should be an opportunity to invest in development improvements and enhancements i.e. energy and emission reduction strategies and investment in renewable technologies.		Noted	The requirement for planning obligations agreements will be dependent upon the nature and scale of any development proposal and it may not be possible to determine these in advance of planning applications being submitted and assessed. Where possible, however, the use of development briefs and pre-application discussions will be used to inform of the likely requirement for planning obligation agreements. A planning obligation agreement is a mutually binding agreement and thus must be determined and agreed by all those parties that are signatories to it.	The Minister notes the comments made but is not minded to amend the draft Plan
DP449		Mr	The	Policy	Planning	Supporting	Planning Obligations 1.21 and GD4 The Trust		Noted	Noted, but planning obligations	The Minister

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		Charles Alluto	National Trust for Jersey	GD 4	Obligations		would like to suggest that the scope of planning obligation agreements to benefit the public realm should be widened to also include the natural and historic environment. For example the development above Goose Green Marsh could have established an endowment to create and maintain the wet meadowland below the newly developed residential area. In addition the recent residential developments by St James could have helped facilitate repairs to the roof of St James Church.			must be reasonable and related to the development to which they are associated. It is relevant to note that the POA for La Providence does make provision for the maintenance of the wetland. The POA for La Providence included an agreement that the developer would produce a detailed scheme for ensuring the future maintenance and management in perpetuity of the public amenity area / wetland to the south of the housing development (Fourth Schedule, Clause 2.2). A 'Landscape Management Plan' was subsequently approved for all the public areas, including the public amenity area / wetland. This supplements approved landscaping proposals and planting plans and an earlier 'Landscape Ecological Review' for the site. Following discussions with the 'Head of Countryside' at Environment, approval has also been given to an 'Addendum', which provides additional details relating to the land management of the Public Amenity Area, including more specific management requirements for the wetland meadows. Future management and maintenance will be secured by an 'Estate Management Company' which was set up by the developer and is / will be paid for by the residents of La Providence and any other future landowners. The potential scope of POAs will be expanded upon through revised supplementary planning guidance.	notes the comments made but is not minded to amend the draft Plan
DP61		Mr Stephen de Gruchy		Policy GD 4	Planning Obligations	Supporting	Support with Caveat I find the use of the word, "appropriate" in the second paragraph too vague. The use of that word is unfair on an applicant. How will he/she have any certainty as to when the Minister is likely to think it "appropriate" to set a planning obligation? Criteria by which the Minister will determine, "appropriate", should be		Reject	The requirement for planning obligations will vary depending on the nature and scale of a development proposal and each case will require assessment on the basis of its individual merits. On this basis, the use of the word	The Minister notes the qualified support for this policy but is not minded to amend the draft Plan

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							included in GD3.			'appropriate' is considered to be appropriate. Where possible, for example, in the case of sites rezoned for housing or through the preparation of development briefs and master plans for key development sites, it will be possible to identify and specify planning obligations in guidance.	
DP810		Mrs Susan Kerley		Policy GD 4	Planning Obligations	Supporting	I endorse the suggestions and comments made by the National Trust for Jersey on these policies and proposals		Noted	Noted	The Minister notes the qualified support for this policy
DP841		Mr Rod Mccloughlin		Policy GD 4	Planning Obligations	Neither	In the UK there has been a relatively recent recognition that the social needs of a community include provision of cultural facilities, and that the delivery of such facilities can properly be supported by a contribution from developers whose schemes have the effect of increasing those social needs. (See, for instance, www.living-places.org.uk) At 1.21 and in policy GD4, it is suggested that cultural facilities are included in the list of social provision which might be supported by planning obligation. From a practical perspective the levying of a contribution of this kind would have to be considered along with any other obligations contemplated by the Planning Department, including those relating to the percentage for art policy. However, it would give the flexibility, particularly in relation to development in St Helier, to recognise that provision of cultural facilities is integral to a sense of local community. This connects directly with the aspiration of paragraph 4.19 of the Built Environment section of the plan which states that 'it is hoped 1St Helier]...will become one of Europe's most desirable and vibrant harbour towns with ... improved architecture, shopping, public spaces, leisure and arts facilities ...'		Noted	The comments made are noted. The extent that POAs can be used to ensure contributions to the provision of cultural facilities is a matter to be considered in relation to the specific circumstances of individual development proposals and could be further addressed through supplementary planning guidance	The Minister notes the comments made but is not minded to amend the draft Plan
DP910		mr daniel wimberley			Skyline, Views and Vistas	Supporting		Re-affirmation of the importance of the skyline and the preservation of views and vistas and of the beauty of our coastline in general Emphasis on design quality and effective procedures for ensuring that this happens	Noted	Noted	Support is noted by the Minister
DP270		Mrs Penelope Lee		Policy GD 5	Skyline, Views and Vistas	Supporting			Noted	Noted	Support is noted by the Minister
DP450		Mr Charles Alluto	The National Trust for Jersey	Policy GD 5	Skyline, Views and Vistas	Supporting	The Trust fully endorses and very much welcomes the objective of protecting the skyline, views and vistas of Jersey		Noted	Noted	Support is noted by the Minister
DP62		Mr		Policy	Skyline,	Supporting			Noted	Noted	Support is noted

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		Stephen de Gruchy		GD 5	Views and Vistas						by the Minister
DP731		Paul Harding	The Association of Jersey Architects	Policy GD 5	Skyline, Views and Vistas	Objecting	5.2 The AJA believes the thinking behind para 1.27, that stipulates " the scale or height of existing buildings and structures which detract from an important skyline, vista or view will not be accepted as a precedent for their redevelopment.. " is seriously flawed. Para. 1.23?1.27 presupposes that buildings detract from vistas and the skyline, whereas in fact they can enhance views. For example, the escarpment skyline around St Helier contains important buildings - such as Fort Regent & Victoria College - that enhance their location and surrounding vistas. If this Policy had been in force when these buildings were conceived they would not have been built! The way this section has been approached is overtly anti-built environment and needs reconsidering or even better absorbing into GD1 or BE3 where it would be more appropriately placed.		Reject	The policy enables the Minister and the Planning Applications Panel to take into account the impact of new development on an important public skyline, vista and view and, where that involves the redevelopment of existing buildings, to review the contribution that development makes to this particular aspect. It is not considered that the proposed policy regime is anti-development but rather it serves to highlight the significance of this particular issue as a material consideration.	The Minister is not minded to accept the comments made and is, accordingly, not minded to amend the draft Plan
DP812		Mrs Susan Kerley		Policy GD 5	Skyline, Views and Vistas	Supporting	I endorse the suggestions and comments made by the National Trust for Jersey on these policies and proposals		Noted	Noted	Support is noted by the Minister
DP271		Mrs Penelope Lee		Policy GD 6	Contaminated Land	Supporting			Noted	Noted	Support is noted by the Minister
DP63		Mr Stephen de Gruchy		Policy GD 6	Contaminated Land	Supporting			Noted	Noted	Support is noted by the Minister
DP876		Mr Stephen D Smith	Health Protection Services	Policy GD 6	Contaminated Land	Neither	The use of Brownfield sites for development is supported as long as matters such as contaminated land are dealt with properly and site clean up is appropriate for the end use. The contaminated land planning process is failing at the moment due to the lack of a contaminated land register, which readily identifies sites, which either are contaminated or have been subject to contaminative uses. No domestic premises should be built in the future at La Collette due to land geology and land use.		Noted	Noted	The Minister notes the qualified support for this policy
DP521		Mr Paul Harding	The Association of Jersey Architects	Proposal 2	Achieving Design Quality	Supporting	Proposals 1-14 & Policies BE1-BE3 - St Helier and other Regeneration / Local Development Zones We welcome and support the principal thrust of these sections, the proposals and Policies.		Noted	Noted	Support is noted by the Minister
DP64		Mr Stephen de		Proposal 2	Achieving Design Quality	Supporting			Support Noted		Support is noted by the Minister

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		Gruchy									
DP842		Mr Rod McLoughlin		Proposal 2	Achieving Design Quality	Neither	In paragraph 1.37 attention is drawn to the potential of area masterplans and development briefs to encourage high design quality. Such plans also afford the opportunity to embed cultural objectives; for instance, the potential for public art or for the provision of cultural facilities . It would be helpful to highlight that potential.		Reject	There are many other objectives that master plans will seek to achieve - this section is related to design quality and it is considered legitimate to focus any reference solely to that issue in this section. The Minister would undoubtedly be keen to work with and engage ESC in the development of terms of reference and the master plans themselves to ensure that the outcome from them can contribute towards cultural objectives	The Minister is not minded to amend the draft Plan
DP1018		Ray Shead	The Jersey Chamber of Commerce	Policy GD 7	Design Quality	Objecting	Developers are "encouraged" to seek the advice of UK architects when there are very many talented architects within the Island, although this fact would be denied by the Planning Department. This causes further delays, fee revenue lost to Jersey and the resultant tax revenue losses.		Reject	Developers are encouraged to engage people who are suitably qualified to ensure that the Minister's design objectives, referred to in Objective GD1(5), as set out by Policies SP7; GD1; GD7 and Proposal 2, are secured through the planning process	The Minister is not minded to accept the comments made
DP1032		Ray Shead	The Jersey Chamber of Commerce	Policy GD 7	Design Quality	Objecting	This should include improved performance and environmental standards for buildings to support future energy and environmental targets and energy policy objectives.		Noted	The Minister for Planning and Environment is minded to develop a Jersey Code for Sustainable Homes as supplementary planning guidance	The Minister is minded to amend the draft Plan to make reference to his intent to develop, publish and adopt a Jersey Code for Sustainable Homes as supplementary planning guidance
DP272		Mrs Penelope Lee		Policy GD 7	Design Quality	Supporting			Noted	Noted	Support is noted by the Minister
DP609		Mr Bruce Willing		Policy GD 7	Design Quality	Objecting	There needs to be specific reference to environmental requirement and sustainable building codes or standards within this section of the DIP	The DIP is very well put together, clearly by a panel with many direct and vested interests; it is well written, clear to understand and vastly long at over 600 pages. It is a 'pantechnicon' of thoughts, principles and statements designed to cover all eventualities and has the collective value of being able to be used to counter any proposals that might fall outside the views and prejudices of the individual planners. Yet, within Section 4 dealing with The Built Environment, there is no direct reference to the need for environmental protection, sustainability, or National standards. (They are referred to, in outline, in the Guiding Principles) This is a pity and, at the very least, the	Noted	The Minister for Planning and Environment is minded to develop a Jersey Code for Sustainable Homes as supplementary planning guidance	The Minister is minded to amend the draft Plan to make reference to his intent to develop, publish and adopt a Jersey Code for Sustainable Homes as supplementary planning guidance

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								DIP should aspire to the UK Code for Sustainable Homes Standard, or propose that Jersey adopt its own version of the standard, particularly if the Department is to be renamed as "The Environment Department".			
DP614		Mr Bruce Willing		Policy GD 7	Design Quality	Objecting	Great emphasis is made of roofscapes, but there is no emphasis on the colour of the buildings. Therefore, unusual colours, like the Normans building within Commercial Buildings, would still be allowed as there is nothing proposed to stop it. Yet previously unpainted buildings are restricted from being painted (require Planning permission), particularly if they are designated as SSI's. With the increased use of coloured render, careful consideration should be made, within the DIP, of the need to have at least a code of best practice when it comes to the external colour of buildings.		Noted	The requirements for the need for planning permission to carry out works are set out in the General Development Order. Accordingly, any building or other structure may be painted without planning permission with the exception of listed buildings which have not been previously painted. In this respect, therefore, the Minister's control over the use of colour on most existing buildings is limited. The Minister can and does, however, encourage the appropriate use of colour and guidance is provided, specifically in relation to St Helier, in the Urban Character Appraisal, which provides recommended colour palettes for different parts of the town. The colour of new development can be initially controlled under the policy regime of the draft Plan as set out in GD1 and GD7 (see GD7(3)).	The Minister is not minded to amend the draft Plan as the issues raised are already adequately addressed
DP65		Mr Stephen de Gruchy		Policy GD 7	Design Quality	Supporting			Support Noted		Support is noted by the Minister
DP1019		Ray Shead	The Jersey Chamber of Commerce	Policy GD 8	Percentage for Art	Objecting	The cost of percentage for art is a further stealth tax, the production of models is a further cost and when all this is added up it does not really give the right signals that development is being encouraged, in fact it almost appears that it is actively discouraged which is a great vote winner. The Draft Island Plan is suggesting several taxes on development not only for Percentage for Art but also within Policy HE. This together with planning obligations and any other infrastructure increases is essentially a stealth tax on developments. Members of Chamber have suggested that maybe an "all-in-one" tax should be promoted on development so as to allow the Developer to understand the full consequences of the development rather than negotiated multiple policies which may cause an increase in building costs during the planning process. Some members		Reject	The Percentage for Art policy cannot be a tax as the contribution towards Percent for Art is voluntary. It is the function of the planning system to ensure the quality of the environment and, in this respect, it is considered legitimate that the planning system seeks to encourage contributions to enhance the public realm where new development is proposed, through artistic expression.	The Minister is not minded to amend the draft Plan

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							believe that Percentage for Art should be dropped on the grounds that public art is not a matter for planning and it will not help to deliver Category A or affordable housing as uneconomic developments will just not happen. The policy is too wide - the planning policy needs to be objective and not subjective.				
DP273		Mrs Penelope Lee		Policy GD 8	Percentage for Art	Supporting			Noted	Noted	Support is noted by the Minister
DP659		Mr Mark Le Boutillier	GR Langlois	Policy GD 8	Percentage for Art	Neither	We would suggest that this Policy could be extended to 'Percentage for Art and/or Environment'. Many schemes, especially in rural locations would probably benefit more with a contribution to the natural environment either on or close to the proposed development site, In a recent JEP article see attached) it was stated that 'Jersey trees for life' were struggling for funds. As a 'Percentage for Environment' a contribution could possibly be made directly to 'Jersey Trees for life' or other environmental groups where ultimately the whole Island would benefit.		Noted	The Percentage for Art scheme is voluntary and its objective is to secure improvements to the public realm through the expression of art in buildings and spaces: this, of itself, can include soft landscaping, where there is some artistic input (supplementary guidance provides more information). Policy NE1 encourages and promotes landscaping and the creation of new habitat as part of new development . Policy NE4 states that where landscaping is not or cannot be provided as part of a development scheme then contributions to the Ecology Trust Fund or the Countryside Renewal Scheme may be encouraged, through the use of planning obligation agreements.	The Minister notes the comments made but is not minded to amend the draft Plan as the issues raised are already adequately addressed
DP66		Mr Stephen de Gruchy		Policy GD 8	Percentage for Art	Supporting			Noted	Noted	Support is noted by the Minister
DP843		Mr Rod Mcloughlin		Policy GD 8	Percentage for Art	Supporting	The greater emphasis placed in the new draft Island Plan on public art is welcomed with the explicit statement that circumstances in which agreements for agreements for public contributions include those where 'provision of public art would enhance...enjoyment of the building, development or space.' Recent examples in Jersey suggest that the public responds well to art which is relevant to its surroundings and which contributes to a broader sense of place - notable examples are La Vague de Jerri in Wests Centre and the Liberation Sculpture. Such art often serves to reinforce cultural significance, perhaps telling a story that helps perpetuate understanding of the history of a place or focusing on an individual associated with that area. To		Noted	Noted. The issues raised about the local cultural relevance of art procured through the Percentage for Art policy, and the involvement of local artists, is considered more appropriately dealt with thought supplementary planning guidance.	The Minister notes the qualified support for this policy

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							reinforce the public value of the percentage for art scheme, it would be useful to include reference to the importance of cultural relevance of work produced through the scheme. Although this is particularly true of work generated through public projects when a degree of public involvement in project development will be important , it also applies to private development where considerable public kudos may result from a work which is seen genuinely to contribute to the quality of the public realm. A by-product of the percentage for art policy from the cultural perspective is the economic and artistic benefit of involving local creative talent, either directly in the creation of work or indirectly through learning opportunities associated with the engagement of visiting artists. This relates directly to objective 3.6 of the Cultural Strategy: 'To commission local artists and crafts-workers wherever possible to enhance new public developments and to encourage the private sector to do likewise in their new developments. ' The emphasis placed on local artists and crafts-workers reflects the inter-relatedness of many aspects of cultural development: involving local artists is a way of encouraging the development of a pool of creative talent in the Island which has an economic as well as an artistic dimension. While it is acknowledged that it will also be desirable to involve non-local artists in projects for a variety of reasons, it should be noted that there is an opportunity to include in the terms of any commissions the requirement for those artists to provide learning opportunities for the local community. The wider cultural context for percentage for art is provided by the Cultural Strategy and also by the Public Art strategy commissioned in 2009.				
DP884		Mr Andrew Heaven	Health Improvement (Public Health Department)	Policy GD 8	Percentage for Art	Neither	In order to ensure health improvement is actively included within the planning process, supplementary planning guidance for health improvement should be developed with the Public Health Department to support the following areas: Revise the current planning guidance for 'percentage for art' to allow developers to invest in amenities which promote exercise and wellbeing.		Reject	The essence of the Percentage for Art scheme is to secure enhancement of the public realm through artistic expression as part of the development process associated with new buildings and spaces. This, of itself, may have the potential to contribute towards quality of life and personal well-being by contributing towards the overall quality of the environment. The role of the planning system in supporting the provision of	The Minister notes the comments made but is not minded to amend the draft Plan

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										amenities which promote exercise is considered to be better, and more appropriately related, to the consideration of the location of development relative to the availability of travel options which might encourage walking and cycling (which is dealt with by the Spatial Strategy of the draft Plan at SP1 and SP6) and through the provision and enhancement of public open space (which is addressed in Policy SCO5 and which should be a consideration in Policy GD1 and GD7)	
DP274		Mrs Penelope Lee		Policy GD 9	Signs and Advertisements	Supporting			Noted	Noted	Support is noted by the Minister
DP68		Mr Stephen de Gruchy		Policy GD 9	Signs and Advertisements	Supporting			Noted	Noted	Support is noted by the Minister
DP829		Mr Rod Mcloughlin		Policy GD 9	Signs and Advertisements	Neither	In relation to signage for cultural events, the Planning Department operates a liberal informal regime at present which allows for the display of signs promoting cultural events of various kinds. However, to add formal weight to this and to assist in distinguishing such events from purely commercial ones, it would be useful for the policy to include reference to allowing the display of signs for cultural events which are supported directly by the States of Jersey, or are voluntary community activities. Road signs and other official signage are permitted as 'approved advertisements' under schedule 1 of the Planning and Building (Display of Advertisements) (Jersey) Order 2006. This is effectively a delegation of the power to erect signs to other departments. However, there is little guidance as to the aesthetic impact that such signage can have; in particular, the extent to which the density and style of signs can compromise the sense of distinctiveness which lies at the heart of the Island's cultural identity. There is a balance to be sought between provision of signage which is effective and provides a safe public environment, and that which maintains an appropriate sense of Island scale and proportion. There is also scope for informational signage to respect context and, perhaps, itself to contribute a sense of local distinctiveness. A potential link exists here with		Noted	Cultural versus commercial signage: the display of signage and advertising is regulated by the Planning and Building (Display of Advertisements) (Jersey) Order 2006 and the proposed policy framework of the draft Plan seeks to establish those criteria against which proposals for signage and advertisement which require consent can be tested. Whilst appreciative of the objective behind the proposal, the distinction between what is cultural and what is commercial advertising is often a fine one and not considered to be a significant material consideration for a planning policy framework: the key question in planning terms is whether or not a proposal to advertise requires consent and if so, whether it is acceptable according to the criteria set out in GD9. Statutory signage: the design and specification of some statutory signage is regulated by international convention (e.g. the UN Convention on Road Signs and	Noted by the Minister

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							some publicly generated percentage for art projects.			Signals, Vienna, 1968) where there is less flexibility for discretion in terms of the form, number and positioning of signage. It is, however, acknowledged that there are forms of signage erected under the auspices of a statutory function where there is greater discretion and flexibility. It is proposed that the development of the Public Realm Strategy, as set out at Proposal 9, would include engagement with and advice for the providers of statutory services which affect the public realm, including signage in order that the adverse aesthetic implications of some of this signage upon the public realm can be ameliorated and the Island's local distinctiveness safeguarded. The principles and tests also set out at Policy BE9: Street furniture and materials, are considered to be equally applicable to signage and advertising. The potential integration of artistic values into the development of signage which reflects Jersey's local distinctiveness is also acknowledged.	
DP991		Captain Howard Le Cornu	States of Jersey Harbours	Policy GD 9	Signs and Advertisements	Neither	Presumably this excludes operational signage at the port and airport? Specific reference should be made in the policy:		Reject	As stated in the preamble to the policy, the requirement for permission to display signage is controlled by order, which sets out various exemptions for the requirement for consent. Where signage is proposed at both the harbours and the airport, which do not benefit from express consent under the auspices of the order, they will fall to be considered and assessed under the terms of this proposed policy.	The Minister is minded to reject the comments made as the issue raised is already adequately addressed