



PLANNING & ENVIRONMENT DEPARTMENT

# Draft Island Plan – White Paper

## **Appendix A: SPGs & Appendix B: Housing Briefs**

### 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
Appendix A - Supplementary Planning Guidance											
DP1020		Ray Shead	The Jersey Chamber of Commerce	Appendix A	Supplementary Planning Guidance	Objecting	There is a grave concern that the planning process will become even slower than it is now as it seems that agreement will need to be reached on travel plans, Design Statements, Planning obligations, Percentage for Art and Landscaping schemes or commuted payment.		Noted		Noted by the Minister
DP492		Mr Paul Harding	The Association of Jersey Architects	Appendix A	Supplementary Planning Guidance	Neither	Many AJA Members have expressed a common concern, also voiced in our representations about the 2002 Island Plan that introducing a new Island Plan without having the key SPG's in place runs the risk of leaving us in a Policy implementation vacuum. We have been waiting over too many years for SPG's, such as Parking & Housing Density, to be updated and released.	The 2009 Draft Plan Policies are, in many cases, aspirational and continued lack of supporting SPG's will leave interpretation open to inconsistent application between specific sites. Large parts of the 2009 Draft Plan relies on supporting SPG's that do not exist.	Noted	All relevant SPG's to policies outlined in the draft Plan will be available at the time, and in some cases before, the approval of the Plan by the States	Noted by the Minister
Appendix B – Housing Briefs											
DP1178		Deputy John Le Fondre		Appendix B	Draft Housing Development Briefs	Supporting	In addition, as a general observation, as I understand it, the Island Plan will form part of Planning Law, and will form part of any deliberations of any Court when considering appeals etc. Has legal advice been sought on some of the wording within the plan, as to whether it binds the Minister to give permission because developers have a reasonable expectation of a certain number of units, due to the wording of the plan. For example the draft housing briefs make reference to a minimum and maximum theoretical yield. Should something arise which might indicate that the yield should be lower than suggested, does the Minister have the power to set the number of units lower than the theoretical yield ? In the past, legal advice was that the developer had a reasonable expectation of a certain number of units, and that the Department / States must have known of the constraint when the area was rezoned. Hence it could not rightly be used to justify a lower number of units at a later date, which was when further work was being performed. I do welcome the theoretical maximum units, as this should give comfort and a degree of certainty to existing residents, and to developers.		Noted	The Island Plan is not part of the Planning and Building (Jersey) Law, but is made under the auspices of it. The law requires the Minister to have regard of the Island Plan when determining planning applications, and to generally grant permission if development is in accordance with it. The Minister may, however, grant permission that is inconsistent with the Plan where he or she considers there to be sufficient justification to do so. Legal advice will be sought on the Plan. As stated above, however, it is considered that the Minister is not bound by the Plan. Any decision that the Minister makes, and the justification for it, remains open to scrutiny and challenge through the appeal process, and is accessible to first and third parties in relation to approvals and refusals.	Noted by the Minister
DP374		MR Keith Shaw		Appendix B	Draft Housing Development Briefs	Objecting	Scrap the ideas re using green house sites as they can now easily be restored to growing land again If growing sites have to be used purchase at a price that reflects the real land value and ensure a pay back of any previous financial subsidy from public funds.		Reject	Whilst the potential restoration of these sites to agricultural use is noted and acknowledged, it is considered that there is a greater community benefit to be secured in the use of those sites identified for the provision of housing to help contribute towards the island's housing needs. The matter	The Minister notes the comments made but is not minded to amend the draft Plan

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										of reclaiming any public subsidy that may have been expended on their development is not a planning matter.	
DP533		Deputy John Le Fondre		Appendix B	Draft Housing Development Briefs	Neither	Housing Development Briefs - from memory quite some time was spent on planning briefs in the 2002 plan, and then there appeared (in my view) to be some divergence away from those briefs when applications were determined. The briefs in this plan seem to be far simpler, more consistent (in format) etc, however what is their status, and should these be identified in legal terminology within the plan ?		Reject	The status of development briefs is made clear in the introduction of Appendix B: they are designed to guide the delivery of homes on these sites and will be adopted as supplementary planning guidance. Whilst not considered necessary for the purposes of the Plan, development briefs, and other supplementary planning guidance, is issued by the Minister under the auspices of Article 6 of the Planning and Building (Jersey) Law 2002.	The Minister is not minded to amend the draft Plan
DP555		Deputy John Le Fondre		Appendix B	Draft Housing Development Briefs	Neither	General comment re planning guidance - as you will be aware I was one of the objectors in relation to the La Providence development. One of the matters raised at the time (by another politician) was about segregation of duties. I would stress this was in no way meant to be a criticism of the individual concerned, but it came from experiences that a number of us encounter in our professional lives, and if anything has become more relevant some years later. In my view (and others) where individuals within the department are significantly involved in possible rezoning of sites, preparation of detailed briefs, or often happen to process applications from any one particular individual or company etc etc there needs to be some form of independent, objective assessment in making recommendations as to whether an application should be approved or refused. This is in order that an independent view is seen to be being applied. This is particularly critical in a small Island when there are many overlapping circles of relationships, whether business or personal. In addition, as a general observation, as I understand it, the Island Plan will form part of Planning Law, and will form part of any deliberations of any Court when considering appeals etc. Has legal advice been sought on some of the wording within the plan, as to whether it binds the Minister to give permission because developers have a reasonable expectation of a certain number of units, due to the wording of the plan. For example the draft housing briefs make reference to a minimum and maximum theoretical yield. Should something arise which might indicate that the yield should be lower than suggested, does the Minister have the power to set the number of units lower than the theoretical yield ? In the past, legal advice was that the developer had a reasonable		Reject	The comment made is not material to the draft Plan; nevertheless, it's substance and inference is rejected. Planning officers seek to uphold high professional standards in the work that they do and in the provision of advice to the Minister and other decision-makers. The involvement of an officer in a range of professional tasks associated with a particular development site is not considered to be problematic and may, indeed, add value given the depth of knowledge likely to be derived. The advice offered to the Minister or any other decision-maker is evaluated by other senior officers in the department and is transparent and open to scrutiny. Any decision taken on the basis of this advice also remains open to independent and impartial evaluation through the appeals process, access to which is open to both first and third parties.	The Minister rejects the comments made

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							expectation of a certain number of units, and that the Department / States must have known of the constraint when the area was rezoned. Hence it could not rightly be used to justify a lower number of units at a later date, which was when further work was being performed. I do welcome the theoretical maximum units, as this should give comfort and a degree of certainty to existing residents, and to developers.				
DP787		Senator Terry Le Main	States of Jersey Housing Department	Appendix B	Draft Housing Development Briefs	Supporting	Appendix B - Draft Housing Development Briefs You will know that I am supportive of all of the sites B1 through B7 inclusive. What is vitally important is that we maximise the potential of these sites and ensure that we develop the right mix of homes. That includes the right mix of unit sizes but also as mentioned above not limiting ourselves just to Jersey Homebuy and First Time Buyer. We must have flexibility in respect of social housing units.		Agreed		Noted by the Minister
DP851		Mr Rod Mccloughlin		Appendix B	Draft Housing Development Briefs	Neither	The sites identified in the draft housing briefs have become available for potential development as a result of changes in the Island's agricultural and horticultural industries. In the context of the likely requirement for a percentage for art contribution on developments of this kind, such changes illustrate the potential to include cultural reference points in the briefs provided to artists and the importance of ensuring that developers are aware of the mechanism to connect with artists in this way.		Noted		Noted and supported by Minister
DP379		Mr David Dutson		B.1	De La Mare Nurseries, la Rue a Don, Grouville	Objecting	We believe that the proposal for houses on this site should be withdrawn from the plan. My wife and myself occupy a house overlooking the site	The site is clearly in the countryside being bounded on two sides by open fields. There should be a presumption against building in the countryside. The proposal for up to 37 homes would mean an additional 50 to 100 cars on the new estate requiring regular access at or near a junction of two major roads, especially at peak times. The junction is already awkward and it is easy to foresee accidents. The road to St Helier is narrow and houses in Longueville and Bagot roads are built close to the road with narrow pavements. In the rush hour traffic is already backed up to Rue des Pres and with more traffic it could easily reach Grouville Hill. The proposed houses would be built very close to the main road which would be unpleasant for the neighbours, passers by and the residents themselves. It would also highlight the obvious erosion of the Jersey countryside. In our opinion the case for further homes in the countryside has not been proven. New sites for category A housing seem to appear constantly. These include the old J C G site, Westmount Quarry, Ann Court, Jersey Dairy, The Caesarean Tennis Club, and the Waterfront. All	Reject	The Plan highlighted a need for 1000 category A homes, the majority of which are planned to be developed within the existing built up areas. A small number of sites (7) were identified to provide around 200 family style category A homes that could not easily be provided within the built up areas. These 7 sites were selected because they met with strict planning selection criteria including; that they fitted well within the existing built up area and met with the revised spatial strategy policies for the island, did not cause any significant visual or environmental harm, were near good transport network/bus routes/schools/shops and, where possible, were brownfield sites. This site met with all of these criteria. The removal of this site will reduce the supply of category A family homes and alternative provision will need to be found in order to ensure adequate	The Minister is not minded to amend the draft Plan

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								these sites are within or close to the built up area with existing infrastructure and requiring less traffic. In addition, with the gradual move of offices to the Esplanade area, redundant office space is likely to become available for housing in the coming decade. We hope that the States will take these opinions into consideration when deliberating the new Island Plan		overall supply of these types of homes on the Island is met.	
DP387		Mr Andrew Townsend		B.1	De La Mare Nurseries, la Rue a Don, Grouville	Neither	Cat A Housing Site - De La Mare Nurseries, Grouville If this site is accepted for development I am pleased to see that not all of the site has been identified for housing. Travelling north along Rue a Don there is a very clear difference between the built up area to the east and the countryside to the west. The nursery's glasshouses are an accepted part of the rural landscape, but a residential development of the same extent would significantly alter the rural character of this view and area. For a housing development to blend with the character of the area, it should not extend too far to the west - no further than suggested on the draft map - the site's boundaries should be well landscaped and the scale of the houses restricted to 2 stories, not 3 or more. In addition, if the area suggested is developed, some glasshouses will remain and presumably will not be viable. To avoid future pressure for the redevelopment of these, they should be removed and the natural landscaped restored as part of any residential development. Thank you.	See Above	Noted	Noted	Noted by the Minister
DP482		Mr Charles Alluto	The National Trust for Jersey	B.1	De La Mare Nurseries, la Rue a Don, Grouville	Neither	Given the sensitive location of this site, the Trust would like to re-iterate the need for an extensive buffer zone and landscape restoration. The Trust would also suggest that planning gain could be used to help facilitate long term ecological and environmental improvements to the marsh itself.		Noted	These comments will be taken into account when the development brief is finalised	Noted by the Minister
DP14		Mr Howard		B.2	Glasshouse Site, Field 114, Le Passage, Carrefour Selous, St Lawrence	Objecting	Delete this from the Island Plan.	I am truly amazed that this site is being considered, the single access through Le Passage is bad enough without adding another 40 or so units - I am assuming the application for the farm buildings immediately to the West is also likely to be integrated into this proposal. The surrounding lanes are usually full of cars reversing back and forth now, and the introduction of probably 50 - 70 new cars will exacerbate an already poor situation, not helped by the Hampton Court development recently. La Rue de Douet de Rue will become even more of a rat-run than it already has. There are no pavements anywhere and no space as far as I can determine for new ones. The knock on effect of yet more commuter traffic down Mont Felard (starting to become the Queen's Road of mid-Jersey in rush hour) will not	Objection noted	The Plan highlighted a need for 1000 category A homes, the majority of which are planned to be developed within the existing built up areas. A small number of sites (7) were identified to provide around 200 family style category A homes that could not easily be provided within the built up areas. These 7 sites were selected because they met with strict planning selection criteria including; that they fitted well within the existing built up area and met with the revised spatial strategy policies for the island, did not cause any significant visual or environmental harm, were near good transport network/bus	Minister minded to support request to remove site from Plan.



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								assist an already overpacked inner road/Rue de Galet junction, often at a standstill and backed up for a considerable distance most days of the week. I would be interested to know if this site has Parish support? The gross recent overdevelopment of the southern strip of the Parish will be compounded if this is approved. If a glasshouse is redundant it should, wherever possible, be returned to the green field it once was, even if it is just for grazing of cattle or horses. This proposal just amounts to creeping urbanisation which should be resisted. I am not a resident of this area but I am of St. Lawrence.		routes/schools/shops and, where possible, were brownfield sites. This site met with all of these criteria and was also highlighted in the 2002 Island Plan as a future category A housing site. The removal of this site will reduce the supply of category A family homes and alternative provision will need to be found in order to ensure adequate overall supply of these types of homes on the Island is met. However, this site is not supported by the Parish of St. Lawrence and the Minister for Planning & Environment has given an undertaking that any site not supported by the relevant Parish will be withdrawn from the draft Plan. Accordingly this site has been withdrawn and so the request to remove this site is therefore supported by the Minister.	
DP377		Mrs Anne Bougourd		B.2	Glasshouse Site, Field 114, Le Passage, Carrefour Selous, St Lawrence	Neither	I wish to comment re B.2 Glasshouse Site, Field 114, Le Passage, Carrefour Selous, St Lawrence. I would like to suggest that if this is re-zoned for building extreme care is taken as the ingress and egress to the site in Le Passage is fraught with difficulties. For entrance to the site the road is very narrow and can only be accessed from La Grande Route de St Laurent. From the north the entrance to Le Passage is fairly easy to negotiate but from the south it is very difficult as the turning is sharp and large vehicles have problems now. As a resident of Le Clos de Devant it seems to me that the route most people will prefer to take into the proposed development is either through Le Clos Sara or Le Clos de Devant- both of which are private roads and owned by the residents who are responsible for their upkeep. If the development goes ahead with the main entrance to the site from Le Passage we will have to take steps to prevent through traffic in some way. The way out of the site is one way towards the west and routes either right or left from the crossroads are extremely narrow. A preferable route to take might be by making the entrance and exit to the site in Rue de la Golarde where there is two-way traffic and much easier turning from La Grande Route de St Laurent.	Great care needs to be taken with regard to this site.	comments noted	The access issues are noted, however, this site is not supported by the Parish of St. Lawrence and the Minister for Planning & Environment has given an undertaking that any site not supported by the relevant Parish will be withdrawn from the draft Plan. Accordingly this site has been withdrawn.	Minister minded to remove site from Plan.
DP593		Deputy John Le Fondre		Table B.4	Site Details	Neither	Computational Error - Cook's Rose Farm - as well as having a maximum density of 19 dwellings per acre - against 15 in the main written document (page 249 - para 6.79), 19 dwellings per acre on a developable area of 1.3 acres does not equate to the 30 potential dwellings stated. 15 dwellings per acre would give		Noted		Minister minded to correct error in Plan

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							rise to 19.5 (ie 20) dwellings, not 30. 19 dwellings per acre would give rise to 24.7 (ie 25). The figures should be corrected to show a maximum of 20 units.				
DP796	Mr Michael Stein	Mr Michael Stein	MSPlanning Ltd	B.3	H2(3) Samares Nursery, La Grande Route de St Clement, St Clement	Supporting	I write in response to the Draft Island Plan White Paper and to the proposal to re-zone the above site for Category A Housing . The document supports the Minister for Planning and Environment's proposal to re-zone the site and demonstrates the reasonable nature of the proposal, and how it will assist in achieving the aims of the States Strategic Plan, Draft Island Plan "Proposal 16" the Provision of Homes" and "Policy H1". See attached report	See attached report The Draft Island Plan and the subsequent investigations submitted with this representation (See attached report ), clearly sets out the spatial benefits of re-zoning Samares Nurseries and demonstrates that the infrastructure required is either in place or can reasonably be achieved as part of the development. It has been demonstrated that the development of this site for Category A Housing is practically possible and is essential if local families , which do not qualify for States Housing but cannot achieve open market prices, are to be given the opportunity to purchase a home during the next 10 years. It has been shown that re-zoning this site is actually crucial given the sparsity of other re-zoned sites and the potential difficulty of delivering family homes in St. Helier. Indeed , in our discussions with the Minister of Housing, he has identified the Samares Nurseries site as being the most important strategic site for Category A Housing and he would consider its removal from the Island Plan as being calamitous, especially as he appreciates that the 300 Category A Houses proposed in the Draft Island Plan is wholly inadequate. Equally, it has been demonstrated that the proposal will not given rise to significant increases in traffic and indeed will contribute to the provision of alternative means of transport, in particular safer cycling facilities. Other general development considerations such as design, landscaping and potential contamination can be managed in such a ways to maintain the amenity of the immediate neighbouring properties through the Development Brief and Development Control requirements. The representation raised by the Connétable for St. Clement fails to acknowledge that re-zoning this derelict and potentially polluted site will not have a significant effect on the character of the Parish in terms of its urbanity or that visually, it will stitch comfortably into the existing Built-Up Area. Equally, it would not be economically viable to remediate the land to revert it to agricultural land . The charge that this site is not required does not stand up to scrutiny given the difficulty of development within St. Helier, the competing needs for land, and the lack of other available appropriate sites to provide Category A Housing which needs to be delivered in the short term . It is hoped that all the issues	support noted	The Plan highlighted a need for 1000 category A homes, the majority of which are planned to be developed within the existing built up areas. A small number of sites (7) were identified to provide around 200 family style categories A homes that could not easily be provided within the built up areas. These 7 sites were selected because they met with strict planning selection criteria including; that they fitted well within the existing built up area and met with the revised spatial strategy policies for the island, did not cause any significant visual or environmental harm, were near good transport network/bus routes/schools/shops and, where possible, were brownfield sites. This site met with all of these criteria and was also highlighted in the 2002 Island Plan as a future category A housing site. The removal of this site will reduce the supply of category A family homes and alternative provision will need to be found in order to ensure adequate overall supply of these types of homes on the Island is met. However, this site is not supported by the Parish of St. clement and the Minister for Planning & Environment has given an undertaking that any site not supported by the relevant Parish will be withdrawn from the draft Plan. Accordingly this site has been withdrawn and so the request to remove this site is therefore supported by the Minister.	The Minister is likely to recommend that this site is removed from the draft Island Plan given the Constable's opposition and the petition.

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								raised in this representation , supporting the re-zoning of Samares Nurseries site, will inform the Independent Examination in Public and lead to the retention of the site for Category A Housing.			
DP1175		Mrs. Celia Scott Warren		B.4	Longueville Nurseries, New York Lane, St Saviour	Neither	I believe that with Longueville Nurseries earmarked for Category A housing, and in order to address the present difficulty crossing Longueville Road, there should be further initiatives to achieve the long-awaited pedestrian facility at Miladi Parade.	The Longueville Road pedestrian improvement at Miladi Farm would slow traffic down in that area and greatly enhance pedestrian safety.	comments noted	The Plan highlighted a need for 1000 category A homes, the majority of which are planned to be developed within the existing built up areas. A small number of sites (7) were identified to provide around 200 family style category A homes that could not easily be provided within the built up areas. These 7 sites were selected because they met with strict planning selection criteria including; that they fitted well within the existing built up area and met with the revised spatial strategy policies for the island, did not cause any significant visual or environmental harm, were near good transport network/bus routes/schools/shops and, where possible, were brownfield sites. This site met with all of these criteria and was also highlighted in the 2002 Island Plan as a future category A housing site. The removal of this site will reduce the supply of category A family homes and alternative provision will need to be found in order to ensure adequate overall supply of these types of homes on the Island is met. However, this site is not supported by the Parish of St. Saviour and the Minister for Planning & Environment has given an undertaking that any site not supported by the relevant Parish will be withdrawn from the draft Plan. Accordingly this site has been withdrawn and so the request to remove this site is therefore supported by the Minister.	Minister minded to remove site from Plan.
DP1187		G V Gaudin		B.4	Longueville Nurseries, New York Lane, St Saviour	Objecting		G V Gaudin	Noted		The Minister is minded to withdraw the proposed zoning of the Longueville Nurseries site from the draft Plan
DP789		Senator	States of	B.4	Longueville	Neither	I hold the view that the proposals for site B4 do not		comment		The Minister is



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		Terry Le Main	Jersey Housing Department		e Nurseries, New York Lane, St Saviour		represent it being used to its maximum potential and represents a missed opportunity to take development to the full extent of the site to the North and East towards the existing developments of Le Bernage and Longueville de Bas.		ts noted		minded to withdraw the proposed zoning of the Longueville Nurseries site from the draft Plan