



Department of the Environment

Revised Draft Island Plan

Minister's initial response to States Members' amendments



May 2011

Revised draft Island Plan

The Minister for Planning and Environment has now carefully considered all of the matters raised during the various stages of consultation and scrutiny of the initial draft Island Plan, including the Inspectors' Report. He has now lodged a [revised draft Island Plan](#) in the States (P.48/2011) and has also published a schedule of amendments, setting out the changes that have been made. ([see the revised draft Island Plan on consultation portal website](#)).

States members' amendments and consultation

States members have now had an opportunity to review the revised draft Plan and to lodge their own proposed amendments. Where they raise matters not yet considered as part of the Island Plan Review to-date, members of the public or any other interested parties have been invited to comment upon them¹. The representations received have all been published online.

Examination in Public

The Minister for Planning and Environment has commissioned independent planning inspectors to conduct an examination in public of those amendments proposed by States Members to the revised draft Island Plan, together with comments received on these amendments during the recent public consultation event.

Minister's initial response

This schedule lists and summarises all of the States members' amendments and sets out the Minister for Planning and Environment's initial response to them. The Minister is not bound by this and may, in light of his consideration of the inspectors' report to be published following the EiP and in light of the public representations received, change his view. The Minister will determine his final comment on each of the States members' amendments and will lodge them in the States prior to the debate on the revised draft Island Plan (P.48/2011). This is schedule to begin on 21 June 2011.

The Examination is open to the public, who are invited to observe the sessions, which takes place from 2pm May 23rd and from 10.00 May 24th and May 25th, 2011 in the Member's Room, Societe Jersiaise, 7 Pier Road, St Helier.

Information on the Examination in Public can be found on-line at: <http://www.gov.je/Government/PublicInquiries/Pages/IPR.aspx>.

For further information, please contact the Programme Officer, Mrs Helen Wilson on 01527 65741 before the Examination and 07879 443035 during the Examination or email programme-officer@virginmedia.com

¹ Please note that some amendments have already been consulted upon (2nd, 3rd, 4th, 9th - part (c), 10th, *amendment to 11th amendment*, 12th, 20th, 26th & 29th) and the issues associated with them have already been considered as part of the Island Plan Review process: further representation was not, therefore, sought. These are highlighted in pink on the schedule. In addition amendments 6, 11, 14, 15, 19, 30, 37 & 38 have been subject to further amendments by some States members and these are highlighted in grey on the schedule.

No.	R&P Ref	Section / Policy	Summary of Amendment	Minister's intent	Comment
1.	Amendment (P48./2011) - Policy H3: Affordable Housing	Policy H3: Affordable Housing	Amendment from Senator Le Main to limit planning permission for affordable housing under draft Policy H3 (Affordable Housing) to 3 years with any permit extension limited to completing the ground works within 3 years.	Minister minded to accept, subject to further amendment	<p>Further amendment</p> <p>Change the word 'normally' to 'initially' and delete 'with any extension being conditional upon the full ground works being completed during the 3 year period'.</p> <p>And, in para. 6.129, p.253, change 'but which is likely to be initially set at two years.' To 'but which will be initially set at three years, and reviewed thereafter over the Plan period'.</p> <p>Comment</p> <p>The Minister is minded to accept the proposed amendment to initially limit the validity of planning permission for development proposals that are to be impacted by Policy H3, to three years. This will enable the development industry a reasonable period of time in which to implement residential planning permissions. The 'standard' validity of a planning permit is five years.</p> <p>In the event, however, that developers are seeking to 'sit' on consents, in order to ensure that they are not subject to a more onerous requirement to deliver affordable homes as the thresholds for the provision of affordable homes increases over time, the Minister will keep the matter under review during the lifetime of the Plan.</p> <p>The notion that the duration of a planning permit may be extended where ground works have been completed is flawed, and thus, should be removed from the Plan. First, once ground works have been implemented, a development is deemed to have commenced and there is no requirement then to apply for further permission, as the original permission has begun to be implemented. Second, in the event of a permit lapsing, a new application is required to be made: the extension of a permission is normally only applicable to time-limited temporary permissions.</p>
2.	2nd Amendment (P48./2011) - Netherlee, Chemin des Maltieres, Grouville	Proposals Map	Amendment by Connetable of Grouville to zone the garden of Netherlee, Chemin des Maltieres, Grouville as built up area.	Minister minded to reject	<p>The site does not meet with Minister's stated objective of protecting open spaces from further incremental development opportunities and the gradual erosion of the countryside, and does not present any overriding justification of community need (which was a material factor in the release of land for the development of homes for people over-55 on the adjacent Field 184).</p> <p>Any development of this site is considered detrimental to the visual amenities and character of the area leading to the further urbanisation of the edge of Grouville Common.</p> <p>The draft Plan's Green Zone designation remains consistent</p>

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					with the 2002 Island Plan. Designating this as Built-up Area would, therefore, challenge and be contrary to established policy.
3.	3rd Amendment (P48./2011) – Policy GD7 Design Quality	Policy GD1 General Development Considerations & GD7 Design Quality	Amendment by Deputy B.J. Fox of St Helier to insert the words "except that in Policy GD 1, General development considerations (on pages 54–55), paragraph 3.d, after the words 'in accordance with the principles of safety by design,' insert the words 'by way of a crime impact statement if required,'; and: In Policy GD 7, Design quality (on pages 66–67), paragraph 7, after the words 'in accord with the principles of safety by design,' insert the words 'by way of a crime impact statement if required,'."	Minister minded to accept	The States of Jersey Police continue to express concern at the lack of specific reference to crime impact statements in the Plan, despite the changes that have already been made to the revised draft Island Plan (at SP7 and GD1: see schedule of amendments at 11 and 12), and the fact that the Inspectors recommended that no change was necessary. The Minister is, however, minded to accept the proposed amendment to further promote clarity for the States of Jersey Police and out of an abundance of caution.
4.	4th Amendment (P48./2011) – Longueville Nurseries, New York Lane, St. Saviour	Policy H1- Category A Homes & Proposals Map	Amendment by Senator J.L. Perchard to add to the list of sites to be zoned for Category A housing at Policy H1: Category A housing sites (on page 246): '4. Longueville Nurseries, New York Lane, St. Saviour (2.1 acres/4.75 vergées).';	Minister minded to reject	The rezoning of Longueville Nurseries, New York Lane, St Saviour for Category A housing is not generally supported by the local community on the basis of the amount of development already accommodated within the parish; local traffic problems and the extent of local opposition. The Minister is also of the view that housing need can be better and more appropriately met by increasing the density of development on the remaining rezoned sites for Category A housing; requiring the development, in whole or in part, of States-owned sites within the BUA, to contribute towards the need for affordable homes (over and above the requirements of Policy H3); and through the implementation of Policy H3: affordable housing, which requires a proportion of new housing development, subject to certain thresholds, to contribute towards the need for affordable homes.
5.	5th Amendment (P48./2011) – Policy SCO2 Healthcare Facilities	Policy SCO2 Healthcare Facilities	Amendment from Deputy of St. Martin to amend Policy SCO2 Healthcare Facilities to allow in exceptional circumstances facilities to be built outside of the built up area or existing health facility sites.	Minister minded to accept subject to further amendment	Further amendment After the words '3. in exceptional circumstances, the provision of other specialist healthcare facilities is supported by the Health and Social Services Department, where it can be demonstrated that no other suitable site within the grounds of existing healthcare facilities or the Built-up Area can be identified' insert the following words - "and where the rezoning of land for this purpose is approved by the States as a draft revision of the Island Plan". Comment

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					<p>The Minister is sympathetic to the Island's need for healthcare facilities and is minded to accept the proposed amendment which seeks to provide an exception for such facilities to be provided outside the Built-up Area and, therefore, in the countryside, where it can be demonstrated that no other suitable urban sites exist.</p> <p>There is the potential for healthcare facilities to be both significant in scale and extent; they may comprise one or more buildings of a large size, and their impact could be great. The Minister considers, therefore, that any such proposals, which could potentially result in the loss of greenfield land and an erosion of the Island's countryside, requires the full approval of the States Assembly as a revision of the Island Plan. Failure to do so otherwise could lead to the approval of a policy which would allow the 'de facto' rezoning of land without the prior consideration of the States.</p> <p>Such an approach is consistent with that adopted by the Minister elsewhere in the Plan, for example, where Village Plans (prepared under the auspices of Proposal 14 (pp153-154)) contain specific proposals outwith the defined Built-up Area boundary.</p>
6.	6th Amendment (P48./2011) - Local Development Plans (Five Oaks)	Local Development Plans	Amendment from Deputy R.G. Le Herissier to revise paragraph 4.83 on Local Development Plans (Five Oaks) to make provision for adequate youth facilities and consider the traffic issues.	Minister minded to accept	The Minister is minded to accept the proposed amendment on the basis that it serves to highlight the issues already identified as requiring attention in this area.
6a.	<u>Amendment to 6th amendment by Deputy of St Mary</u>		<i>After the words "highway improvements" insert the words "or other solutions to the traffic problems of the area."</i>	Minister minded to accept	The Minister is minded to accept the amendment on the basis that it serves to ensure that responses to issues already identified are considered from as many perspectives as possible.
7.	7th Amendment (P48./2011) - Southern part of field 387A, Clos des Raisies, St. Martin	Proposals Map	An amendment from the Connetable of St. Martin to re-zone the southern part of field 387A, Clos des Raisies, St. Martin within the Built-up Area.	Minister minded to accept	<p>The Minister considers that there is an overriding community justification to permit this release of a small parcel of land adjacent to the existing Built-up Area for St Martin's Village, on the basis of the case presented by the Connétable.</p> <p>It is also relevant to note that there is precedent for similar development in the Island, such as that at St John.</p>
8.	8th Amendment (P48./2011) - Local Development Plans (St	Local Development Plans	Amendment from Deputy A.E. Jeune to revise paragraph 4.83 on Local Development Plans to include St Aubin as a Local Development Plan area.	Minister minded to accept	The need for and benefit of developing a more detailed planning policy framework for St Aubin is accepted and supported by the Minister.

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9.	Aubin) 9th Amendment, part (a) (P48./2011) - Coastal National Park (Mourier Valley)	Proposals Map	Amendment from Senator F. Du H. Le Gresley to include Mourier Valley in the Coastal National Park zone on the Island Plan Proposals map.	Minister minded to accept	<p>The definition of the Coastal National Park, in the revised draft Island Plan, is based on a number of factors. Most significant amongst them is the Countryside Character Appraisal, (CCA). This is a piece of work undertaken to assess, identify and categorise the elements that make up Jersey's varied landscapes. It is those most sensitive landscapes, where the CCA recommended that the highest levels of protection be provided in order to protect and sustain their character, that are embraced by the Coastal National Park.</p> <p>In addition to these areas, the CNP also includes other areas of the Island that are currently protected by a strong policy regime in the current 2002 Island Plan i.e. the north east low wooded edge (identified as A3 in the CCA), which comprises the wooded coastline running from the north of Mont Orgueil to White Rock, west of Rozel, is presently designated as part of the Zone of Outstanding Character in the 2002 Island Plan.</p> <p>All of the Island's valleys have been identified, in the CCA, as requiring a high level of protection. The North Coast and St Martin's Valleys (D4 and D5 in the CCA) are also identified as having no capacity to accept any new development. On this basis they have also been included within the proposed CNP as set out in the revised draft Island Plan.</p> <p>The exception to this is that only the lower, coastal extent of Mourier Valley is currently embraced by the CNP boundary. The reason for this is that the CCA explicitly stated that <i>'in the upper part of Mourier Valley, the substantial residential development, with associated gardens and horse paddocks with a variety of fence and wire boundaries, interspersed with abandoned cotils, imparts a more suburban 'fringe' character.'</i> (p.144, CCA). It is on this basis, that the upper extent of Mourier Valley is presently excluded from inclusion in the CNP boundary.</p> <p>The Minister is not, however, minded to resist Senator Le Gresley's proposal to reinstate the whole of the valley within the CNP as this remains consistent with, and reflects the justification for the inclusion of those other valleys in their entirety (at Greve de Lecq, Bouley Bay and Egypte), which are included within D4 of the CCA.</p>
10.	9th Amendment, part (b) (P48./2011) - Coastal National Park	Proposals Map	Amendment from Senator F. Du H. Le Gresley to include 'La Commune de Gouray' in the Coastal National Park zone on the Island Plan Proposals map.	Minister minded to accept	La Commune de Gouray is identified, in the CCA, as part of the Grouville Coastal Plain in the CCA, which includes all of the low-lying land (excluding the Built-up Area), from Gorey to around about Le Hurel Slip. It is recommended that it be given high levels of protection.

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	(Gorey Common)				<p>All of this land (excluding the Built-up Area) is already defined as Green Zone in the revised draft Island Plan and is subject to the following policy presumption, under Policy NE7: <i>The areas designated as Green Zone on the Proposals Map will be given a high level of protection and there will be a presumption against all forms of development for whatever purpose.</i></p> <p>Despite the designation of all of the Grouville Coastal Plain (excluding the Built-up Area) as Green Zone, Senator Le Gresley's amendment singles out the area of the Royal Jersey and the small remnant of dune land to the north of the golf course (adjacent Longbeach car park) as worthy of additional protection for inclusion in the Coastal National Park on the basis that existing levels of protection are insufficient to protect its character.</p> <p>It is suggested that the Green Zone policy is entirely sufficient to resist new forms of development as demonstrated by the recent refusal of development applications in this area, referred to in the proposed amendment.</p> <p>In addition to this the Royal Jersey is also additionally protected by Policy SCO4: Protection of Open Space, which confers a presumption against the loss of sports facilities (and other types of open space) such as golf courses.</p> <p>The Senator suggests that inclusion of this area in the CNP will additionally protect the area as an important habitat for breeding birds, and specifically the Cirl bunting. As stated above, Green Zone policy will protect the area from development, but the critical issue for the habitat of the Cirl bunting is the management regime that is employed in the maintenance of the golf course. Cirl buntings feed in both short and long rough grass on the edges of golf course fairways and they breed within the stands of gorse. It is, therefore, changes to the management regime, and disturbance from golfers and walkers that are critical to the viability of the grassland habitat on Gorey Common. Unfortunately, there have been no records of Cirl buntings nesting in Jersey in recent years, either at Gorey or La Moye, where previous breeding pairs have been recorded.</p> <p>The Senator also suggests that designation of this area as a CNP will help protect Fort Henry. This argument is flawed. The designation of Fort Henry as a Listed building will help protect its heritage value as it will then be subject to Policy HE1: Protection of Listed buildings and places. Fort Henry is already a G1 Listed building.</p> <p>Whilst on balance, there is not considered to be a particularly strong argument to support this proposed amendment given</p>

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					<p>that;</p> <ul style="list-style-type: none"> i. it is inconsistent with the application of the CCA to the designation of the CNP; ii. it singles out an area that is already designated as Green Zone and also mostly protected as open space; and iii. its designation as a CNP is not material to the protection of Listed buildings within it, <p>it is considered that there may be some merit in its designation as part of the CNP as a basis to further work with the landowners to promote good habitat management of the area, in recognition of its value as grassland of CI significance. Proposal 5 sets out the Minister's intent to develop Coastal National Park Management Plan with landowners over the Plan period. This approach is consistent with the inclusion of the highly significant Ouaisne Common heathland habitat, in St Brelade, in the CNP.</p> <p>On this basis, therefore, the Minister is minded to accept the amendment.</p> <p>The Minister also considers it beneficial that if the boundary of the CNP is to be extended in this part of the Grouville Coastal Plain on the basis of land use management, that further consideration be given to the further extension of the boundaries to include the ecologically rich habitat provided by Grouville Marsh. In the event that Senator Le Gresley's amendment is accepted, the Minister will explore this further proposal, and undertake consultation on the matter, with a view to bringing it back to the States as a potential revision of the Island Plan.</p> <p>NB. The Minister wishes to record that he is both a member of the Royal Jersey and a tenant of the Fief de la Reine.</p>
11.	9th Amendment, part (c) (P48./2011) - Coastal National Park (Plémont Holiday Village)	Proposals Map	<p>Amendment from Senator F. Du H. Le Gresley to include Plémont Holiday Village ' in the Coastal National Park zone on the Island Plan Proposals map. Please note: part (c) of the 9th amendment - Site of former Plémont Holiday Village, has already previously been consulted upon and therefore does not require any further public consultation.</p>	Minister minded to accept	<p>The proposed amendment correctly identifies that this site is the subject of a current planning application, which remains to be determined. Whilst any new policy regime conferred by the approval of a new Island Plan prior to the determination of the current application is capable of being material to any subsequent decision on this matter, it is relevant to note that the planning history and policy regime applicable to the site since its redevelopment was first mooted, back in 1998 to date, would also be a significant and relevant material consideration.</p> <p>It is also clear that the site has an existing authorised tourism use and that, as a consequence, there is a reasonable expectation of development upon it.</p> <p>In summary, therefore, any assumption that the proposed</p>

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					<p>inclusion of the site in the Coastal National Park will serve to thwart any development on the site is considered to be misplaced.</p> <p>Senator Le Gresley's amendment, however, suggests that his objective is to prevent further development beyond any that might be approved and developed as a consequence of the current application.</p> <p>The site of Plemont Holiday Village is identified, in the CCA, as part of the northwest headland agricultural interior land (defined as E1 in the CCA) and it is recommended that it be given high levels of protection.</p> <p>The site is already defined as Green Zone in the revised draft Island Plan and is subject to the following policy presumption, under Policy NE7: <i>The areas designated as Green Zone on the Proposals Map will be given a high level of protection and there will be a presumption against all forms of development for whatever purpose.</i></p> <p>The policy goes on to state that there will be a presumption against redevelopment of commercial buildings:</p> <p><i>there will be a presumption against the use of commercial buildings for purposes other than for those which permission was originally granted. Exceptions to this will only be permitted where</i></p> <ul style="list-style-type: none"> <i>i. the existing building can be re-used for an employment-related purpose in support of the agricultural industry or the rural economy, where that use would not detract from the character of the area, and, where this cannot be achieved;</i> <i>ii. their demolition and replacement with a new building(s) for another use would give rise to demonstrable environmental gains and make a positive contribution to the repair and restoration of the landscape character of the area through a reduction in their visual impact and an improvement in the design of the buildings that is more sensitive to the character of the area and local relevance. It is expected that such improvements would arise, in particular, from reductions in mass, scale, volume and the built form of buildings; a reduction in the intensity of use; more sensitive and sympathetic consideration of siting and design which ensured the local relevance of design and materials; and a restoration of landscape character</i> <p>Whilst the Minister for Planning and Environment would suggest that the Green Zone policy is entirely sufficient to resist new forms of development, he is not minded to resist this proposed amendment on the basis that it will involve a limited area of</p>

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					<p>land and may serve to provide a basis to further work with the landowners to promote beneficial management of the area to restore parts of the coastal headland, where land is not the subject of physical redevelopment involving buildings or hard surfaces. Proposal 5 sets out the Minister's intent to develop Coastal National Park Management Plan with landowners over the Plan period. On this basis, therefore, the Minister is minded to accept the amendment.</p> <p>It is relevant to note that the planning inspectors do not support the inclusion of the site within the Coastal National Park.</p>
12.	9th Amendment, part (d) (P48./2011) - Coastal National Park (North Coast)	Proposals Map	<p>Amendment from Senator F. Le Gresley to include the area described as "Interior Agricultural land - E4 North Coast", in the 1999 Countryside Character Appraisal in the Coastal National Park zone on the Island Plan Proposals map.</p>	Minister minded to reject	<p>The definition of the Coastal National Park, in the revised draft Island Plan, is based on a number of factors. Most significant amongst them is the Countryside Character Appraisal, (CCA). This is a piece of work undertaken to assess, identify and categorise the elements that make up Jersey's varied landscapes. It is those most sensitive landscapes, where the CCA recommended that the highest levels of protection be provided in order to protect and sustain their character, that are embraced by the Coastal National Park.</p> <p>The CCA also identified other parts of the Island where, to protect their landscape character, high levels of protection (as opposed to the highest levels of protection) should also be provided. These areas include, amongst others, all of the agricultural interior land to the north of the cross-Island route running from St Martin's Village, to Trinity Village, St. John's Village, St Mary's Village and across to St Ouen's Village and then embracing all of the St Ouen interior agricultural land (defined as E1, E4 and E3 in the CCA).</p> <p>All of this land (excluding the defined Built-up Area) is already defined as Green Zone in the revised draft Island Plan and is subject to the following policy presumption, under Policy NE7: <i>The areas designated as Green Zone on the Proposals Map will be given a high level of protection and there will be a presumption against all forms of development for whatever purpose.</i></p> <p>Despite designation of as Green Zone, Senator Le Gresley's amendment just singles out one of these areas, as defined in the CCA (E4: North Coast interior agricultural land) as worthy of additional protection for inclusion in the Coastal National Park on the basis that existing levels of protection are insufficient to protect its character.</p> <p>It is suggested that the Green Zone policy is entirely sufficient to resist new forms of development in this area. All of this area is currently designated as Green Zone in the current 2002</p>

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					<p>Island Plan, which is indicative of the fact that this policy regime has been sufficient to protect its character thus far and that its continued application will ensure its continued protection over the Plan period.</p> <p>The Minister for Planning and Environment would also suggest that to single out the North Coast agricultural interior land for inclusion in the CNP alone, and not to include other land defined as agricultural interior adjacent to the north coast (i.e. the north west and north east areas of interior agricultural land defined as E1 and E3) in the CCA is inconsistent and unjustified.</p> <p>To include all of it, however, would serve to recreate the policy distinction that is made in the current 2002 Island Plan, between the Green Zone (which embraces all of the northern agricultural interior land) and the Countryside Zone (which includes all central agricultural interior land). This policy distinction has not been found to work in practice – a point recognised by the Minister, the Planning Applications Panel, the Department for the Environment and other working in the development industry – and thus to recreate it is not considered to be useful in terms of the practice of development control.</p> <p>As stated above, it is considered that Green Zone policy is entirely sufficient to protect this area from development. Where development proposals are made in relation to existing buildings, the CCA will still be used as a tool to inform the decisions on these planning applications – it will be issued as SPG – which will serve to ensure that the distinct landscape character, and the features of this northern agricultural interior land, are safeguarded and, where possible, enhanced.</p>
13.	10th Amendment (P48./2011) - Policy EIW1: Provision of light industrial and warehouse land	Policy EIW1: Provision of light industrial and warehouse land & proposals Map	Amendment by Senator J.L. Perchard to amend the supporting text, Policy EIW Provision of light industrial and warehouse land and the proposals map to rezone land to the north and east of Thistlegrove as light industrial land.	Minister minded to reject	<p>In light of the falling demand for space and the potential for further contraction in the fulfilment industry due to the uncertainty over the long term prospects of low value consignment relief; together with the Inspectors' concern about the locational and access disadvantages of the Thistlegrove site (relative to the Plan's spatial strategy) the Minister is minded to reject the proposed extension of Thistlegrove industrial estate.</p> <p>The Minister also considers that the need for light industrial space can be met from other sources, including Jersey Airport and other existing industrial sites, together with an opportunity to enhance the floorspace of existing operations under proposed changes to the General Development Order.</p>
14.	11th Amendment	Proposals Map	Amendment by Deputy I.J. Gorst to amend the Proposals Map in order to	Minister minded to accept	This is essentially an issue of presentation and is about how parcels of land designated as part of the Green Zone, which are

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	(P48./2011) - Green Zone boundaries within Built-up Areas		make clear that a number of fields zoned as Green Zone within the Built-up Area boundary are clearly shown to be excluded from the Built-up Area .		surrounded by the Built-up Area, are shown on the Proposals Map. The Minister would suggest that there is no 'right or wrong' way of doing this: what is important is that the approach adopted is consistent and that its intent is clear. On this basis, the Minister considers that the proposed amendment makes it clear that these land parcels are part of the Green Zone and that Green Zone policy (Policy NE7) should apply in respect of planning applications which affect this land.
14a	Amendment to 11th amendment by Deputy Le Claire of St Helier	Delete field numbers 21A, 38, 38A, 39 and 59A.		Minister minded to reject	This further amendment essentially seeks to ensure that the land proposed as a Category A housing site at Samarès Nursery, Grande Route de la Cote, St Clement, under the auspices of the twelfth amendment lodged by Deputy Le Claire is included within the Built-up Area: both of these proposed amendments (amd. 11 amd, and amd 12) are rejected by the Minister for Planning and Environment for the reasons set out in his response to amd 12.
15.	12th Amendment (P48./2011) - Samarès Nursery, La Grande Route de St. Clément	Policy H1- Category A Homes & Proposals Map	Amendment by Deputy P.V.F. le Claire of St. Helier to add to the list of sites to be zoned for Category A housing at Policy H1: Category A housing sites (on page 246): '4. Samarès Nursery, La Grande Route de St. Clément, St. Clement (9.8 acres/22 vergées)';	Minister minded to reject	The Minister is cognisant that there is local opposition to the rezoning of Samarès Nursery, Grande Route de la Cote, St Clement for Category A housing and it is not generally supported by the local community on the basis of the likely future need for glasshouses; the amount of development which has already taken place in the area; transport issues; ground conditions and potential social problems. The Minister is also of the view that housing need can be better and more appropriately met by increasing the density of development on the remaining rezoned sites for Category A housing; requiring the development, in whole or in part, of States-owned sites within the BUA, to contribute towards the need for affordable homes (over and above the requirements of Policy H3); and through the implementation of Policy H3: affordable housing, which requires a proportion of new housing development, subject to certain thresholds, to contribute towards the need for affordable homes.
16.	13th Amendment (P48./2011) - Local Development Plans (St. Brelade's Bay)	Local Development Plans	Amendment by Deputy A.E. Jeune to amend the supporting text and Proposal 13 (Local Development Plans) to include St. Brelade's Bay as one of the areas to be the subject of a Local Development Plan.	Minister minded to accept	The need for and benefit of developing a more detailed planning policy framework for St Brelade's Bay is accepted and supported by the Minister.
17.	14th Amendment	Public Parking	Amendment by Deputy A.T. Dupre to include a Proposal to carry out a	Minister minded to accept	Acceptance of this amendment is in accordance with the Sustainable Transport Policy (2010) which proposes that a

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	(P48./2011) - Snow Hill Car Park		feasibility study of increasing the capacity of Snow Hill Car Park.		feasibility study into this proposal be undertaken by the end of 2012, subject to the availability of resources.
17a	Amendment to 14th amendment by Deputy Wimberley	After the word "feasibility" insert the words "and desirability"		Minister minded to accept	The principle of assessing the desirability of the proposal should be an integral element of the feasibility study, and the further amendment is accepted.
18.	15th Amendment Policy H1:(P48./2011) - Category A housing sites - (d'Hautrée)	Category A housing sites	Amendment by Minister for Education, Sport and Culture to amend Policy H1: Category A housing sites to clarify that the former D'Hautrée School site, in particular, will only be considered for housing if and when it is deemed to be surplus to requirements.	Minister minded to accept	<p>This amendment serves to clarify, for the avoidance of doubt, that States-owned land, and in particular the former D'Hautrée School site, will only be considered relative to its potential to provide land to meet the need for affordable homes, once deemed to be surplus to requirements.</p> <p>The Minister welcomes this clarification. It accords with the revised draft Island Plan Policy SCO1: Educational facilities (page 275), which states that this site, amongst others, will be safeguarded for educational use until such time that it can be demonstrated that it is no longer needed for the purposes of education.</p> <p>It is relevant to note that a review of the property presently within the administration of the Department for Education, Sport and Culture is ongoing.</p>
18a	Amendment to 15th amendment by Deputy Lewis of St Saviour	Delete the words "former D'Hautrée School site, St. Saviour's Hill; and."		Minister minded to reject	<p>The proposed further amendment is inconsequential.</p> <p>Regardless of whether the former D'Hautrée School site is explicitly referred to in the policy or not, the policy seeks to ensure that those States-owned sites that are listed, together with 'others which may emerge during the Plan period' (i.e. and which are not listed in the policy), will all be considered for their potential to contribute towards the need for affordable homes should they be deemed to be surplus to requirements during the Plan period.</p> <p>Notwithstanding the above, the Minister for ESC considers the retention of the former D'Hautrée School in the policy to be acceptable, subject to the proposed amendment of the Policy (at amd 15) which the Minister for Planning and Environment is minded to accept.</p>
19.	16th Amendment (P48./2011) - New Policy IM2 - Governance	Governance	Amendment by Deputy J.A.N. Le Fondre to add new policy about governance and the separation of duties to the Plan.	Minister minded to accept subject to further amendment	<p>Further amendment</p> <p>Delete:</p> <p>'Policy Planning – development of policy; site identification; production of development briefs, and</p> <p>Development Control – interpretation of policy as applied to</p>

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					<p>individual applications' and replace with</p> <p>"The formulation of planning policy, planning proposals and planning guidance and the objective assessment of development proposals (informally or as part of a planning application); and</p> <p>The decision-making of the Minister and/or his delegated representatives in deciding the outcome of planning applications"</p> <p>Comment</p> <p>The Minister is sympathetic to the intent behind this amendment but believes that it:</p> <ul style="list-style-type: none"> ○ is flawed because of a failure to understand the planning process and the procedures which operate within the Department for the Environment; ○ fails to acknowledge the professional integrity of planning officers; and ○ is not relevant to a development plan. <p>The amendment is based on a number of misplaced apprehensions as follows.</p> <p>It seeks to ensure that there is a separation of policy development from policy interpretation. This is both counter-intuitive and counter-productive and would mean that the author of a policy would be prevented from commenting on a planning application to say how the policy is intended to be applied.</p> <p>The amendment fails to recognise that the most significant separation of duties in the planning application process is the separation of the handling of a planning application by a case officer - which includes weighing all of the material considerations, including policy, and recommending a course of action - from the determination of the application by someone else.</p> <p>Many decisions are delegated to officers within the Department for the Environment, but all decisions made by an authorised officer have to be checked and countersigned by a more senior officer, who is not the case officer, as set out in the department's Scheme of Delegation;</p> <p>The proposed amendment also fails to acknowledge that all members of the Royal Town Planning Institute (of which all authorised and senior planning officers within the Department of the Environment are) are bound by a Code of Professional</p>

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					<p>Conduct which applies to all of their professional activities.</p> <p>The Code dictates that every member – whether a corporate member, a student member or any other kind of RTPPI member – acts with competence, honesty and integrity, and exercises independent professional judgement at all times.</p> <p>It is clear that this matter is primarily one of administration and procedure, not development plan policy, and is best dealt with through a Development Control Procedure Note.</p> <p>Notwithstanding the above, the Minister is of the view that the suggested further amendment to the proposed amendment better reflects its intent, within the context of the operation of the planning system by professional planners.</p>
20.	17th Amendment (P48./2011) - Glasshouse site, Fields 252A and 252B, La Rue de Jambart, St Clement	Category A housing sites	<p>An amendment made by Deputy P.V.F Le Claire to add to the list of sites to be zoned for Category A housing at</p> <p>Policy H1: Category A housing sites (on page 246):</p> <p>'4. <i>Glasshouse site, Fields 252A and 252B, La Rue de Jambart, St. Clement (approx. 4 acres/9 vergées)';</i></p>	Minister minded to reject	<p>The Minister is of the view that the revised draft Island Plan makes provision for sufficient housing to meet the anticipated demand over the Plan period and that it is not necessary to further rezone additional land to meet this requirement.</p>
21.	18th Amendment (P48./2011) - Field 1248, Highview Lane, St Helier	Category A housing sites	<p>An amendment made by Deputy P.V.F Le Claire to add to the list of sites to be zoned for Category A housing at</p> <p>Policy H1: Category A housing sites (on page 246):</p> <p>'4. <i>Field 1248, Highview Lane, St. Helier (approx 3 acres/7 vergées)';</i></p>	Minister minded to reject	<p>The proposed use of this site for the provision of homes does not accord with the States Strategic Plan objective of meeting the Island's housing need without the loss of further greenfield land. As a consequence, it is also contrary to the Spatial Strategy of the revised draft Island Plan, which seeks to meet the Island's development needs predominantly from within the Built-up Area and the development of brownfield land.</p> <p>The Minister is also of the view that the revised draft Island Plan makes provision for sufficient housing to meet the anticipated demand over the Plan period and that it is not necessary to further rezone additional land to meet this requirement at this time.</p>
22.	19th Amendment (P48./2011) - Eastern Cycle Area Network (Policy TT3)	Eastern Cycle Area Network	<p>Amendment by Deputy of Grouville to extend the Eastern Cycle Area Network.</p>	Minister minded to accept	<p>The effect of the Deputy of Grouville's amendment is to highlight the potential for the development of a direct cycle route from Gorey to St. Helier and to give effect to the potential for contributions to this, through planning obligation agreements, from development across a wider area in the east of the Island.</p> <p>The Minister considers that the priority ought to remain the provision of a route or routes which link centres of population with community facilities, especially schools, in the east of the Island, but supports the development of other cycle routes,</p>

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					both on- and off-road.
18a	Amendment to 19th amendment by Deputy of St Mary		<p>1 PAGE 2, PARAGRAPH (a) - <i>In Appendix 1 on page 4 of the amendment, in paragraph 8.55, for the word "provide" substitute the word "include" and for the first bullet point substitute the following bullet point -</i></p> <ul style="list-style-type: none"> · 'safe facilities, both on and off-road, which link centres of population and community facilities, particularly schools, in the east of the Island with each other and which provide a linear route to St. Helier; and'. <p>2 PAGE 2, PARAGRAPH (a) - <i>In Appendix 1 on page 4 of the amendment, in paragraph 8.58, for the words</i></p> <p><i>"enhancement of the route" substitute the words "enhancement of the network".</i></p> <p>3 PAGE 2, PARAGRAPH (a) - <i>In Appendix 1 on page 4 of the amendment, in paragraph 8.59, for the words "cycle path" substitute the words "cycle network".</i></p> <p>4 PAGE 2, PARAGRAPH (b) - <i>After the words "insert the word 'network'" insert the words "and for the words "development or enhancement of the route" substitute the words "development or enhancement of the network".</i></p>	Minister minded to accept	The Minister supports this amendment on the basis of the comments made in relation to the original amendment.
23.	20th Amendment (P48./2011) - Part 1 -policy E1	Policy E1 Employment Land	An amendment made by Deputy of St Mary to delete the words '2. the existing development is predominantly office or tourist accommodation, or;' "	Minister minded to reject	<p>It was recognised following consultation on the draft Plan that Policy E1 was too prescriptive towards tourism based employment sites and that previous attempts to protect prime-site tourist accommodation from other forms of development was not successful and had been withdrawn. The planning inspectors endorsed this approach and recognised the main point with regards to this exception being;</p> <p>"...the two exemptions now proposed by the Minister do make sense. Tourist accommodation, say a hotel, guesthouse or self catering units, is already akin to a residential use and offers little scope for a change to some other form of business activity. "(para 7.10, p. 42 Inspectors Report (Nov. 2010))</p> <p>Equally, with regards to the office exemption, it is recognised that there is a sufficient supply of office accommodation and that outworn or poor quality sites could be a positive source for urban housing regeneration, which is a key objective of the Plan.</p> <p>The planning inspectors also endorsed this approach and stated</p>

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					<p>in their report;</p> <p>As regards the other intended exemption, outdated and surplus offices may well offer scope for conversion (in some cases reversion) to residential use, as office based businesses seek more modern premises with cabling and open footplates. "(para 7.10, p. 42 Inspectors Report (Nov. 2010))</p> <p>For these reasons the Minister is minded to reject the proposed amendment by the Deputy of St. Mary.</p>
24.	20th Amendment (P48./2011) - Part 2 -policy ERE3	Policy ERE3 - Enabling or Linked Development	<p>An amendment made by Deputy of St Mary to require applications for enabling or linked development to be publicised.</p>	<p>Minister minded to accept subject to an amendment</p>	<p>Further amendment</p> <p>Delete:</p> <p>"Applications for enabling or linked development will be publicised by the Minister in a way that ensures that the wider public are made aware of the nature of a proposal of this kind.'</p> <p>and replace with, at paragraph 5.149 (page 210), after the words 'the business case for the proposals.' the following words</p> <p>"The Minister is also concerned to ensure that applications for enabling development are advertised in a way that ensures that the nature of the proposal is brought to the attention of the public of the Island and will review the Planning and Building (Application Publication) (Jersey) Order to give effect to this."</p> <p>together with the addition of the following proposal, to follow immediately after Policy ERE3 on page 211:</p> <p>"Proposal 17: Advertising enabling development proposals</p> <p>The Minister for Planning and Environment will review the Planning and Building (Application Publication) (Jersey) Order to ensure that applications for enabling development are advertised in a way that ensures that the nature of the proposal is brought to the attention of the public of the Island."</p> <p>And to re-number subsequent proposals accordingly.</p> <p>Comment</p> <p>The Minister is sympathetic to the intent behind this amendment and is concerned to ensure that all planning applications are appropriately advertised and that applications of particular significance are brought to the attention of people in the most efficient and effective way possible.</p> <p>This is not, however, a matter for the Island Plan, but is something that is appropriately addressed through the Planning and Building (Application Publication) (Jersey) Order. This was</p>

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					<p>last reviewed in 2006.</p> <p>On the basis of the above, the Minister proposes to clearly set out his intent to review the relevant legislation concerning the advertising of applications to address the concerns raised by the Deputy of St Mary through the addition of a specific proposal in the Plan.</p>
25.	20th Amendment (P48./2011) - Part 3 – Indicators SCO1	Indicators SCO1	An amendment made by Deputy of St Mary to insert a new indicator to identify where deficiencies identified in the open space strategy are made good.	Minister minded to accept	The Minister supports the intent of the proposed amendment which accords with his own intention to publish an Annual Monitoring Report to report on the key performance of the Plan, as set out in Policy IM1: Plan, monitor, manage (page 459).
26.	20th Amendment (P48./2011) - Part 4 – Proposal 18	Proposal 18 - Open space Strategy	An amendment made by Deputy of St Mary to amend proposal 18 (Open space Strategy) to include a reference to mobility impaired and elderly living communally.	Minister minded to accept, subject to further amendment	<p>Further amendment</p> <p>Delete:</p> <p>'including for the mobility-impaired and the elderly, when living communally'.</p> <p>and replace with</p> <p>"which include considerations of safety, convenience and ease of access".</p> <p>Comment</p> <p>The Minister supports the intent behind this amendment but considers that it requires further amendment to enable it to be accepted within the Plan.</p> <p>The Deputy of St Mary is, of course, right to be concerned about the safety, convenience and ease of access to public open space for people with mobility impairments and for elderly members of the community who may also be less mobile than others.</p> <p>The Minister considers, however, that whilst these considerations are of particular relevance to vulnerable groups of people, they are of concern to us all. For example, the Deputy's amendment seeks to highlight a particular need for elderly people living communally: the Minister would assert that this requirement is applicable to all elderly people, whether living communally or not.</p> <p>The Minister thus, considers that seeking to distinguish between different types of user is of limited value because safety, convenience, and ease of access to open space is of significance to all users. His further amendment, therefore, seeks to ensure that these considerations are taken into account in developing new standards in a way that better reflects the intent of the original amendment.</p>

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27.	20th Amendment (P48./2011) - Part 5 – Proposal 18	Proposal 18 - Open space Strategy	<p>An amendment made by Deputy of St Mary to amend:</p> <p>(a) Proposal 18 (Open space Strategy) to include review of States owned land to contribute towards open space provision, particularly in St Helier</p> <p>(b) Para. 8.127 (Page 325) to highlight the potential redevelopment of private car parks to contribute towards open space provision</p>	Minister minded to accept both parts of this amendment	<p>Part (a): The Minister accepts the principle that the States should consider the use of its own assets of land and property to meet identifiable social needs where it is in the best interest of the community to do so.</p> <p>This approach, which underlies part of the Minister's own proposals set out at Policy H1 in relation to the use of States-owned land in the urban area to help meet the need for affordable homes, accepts that, in some instances, there may be greater social value in using States land to contribute towards community objectives, rather than seeking maximum value through its disposal. This approach may have particular resonance in the Built-up Area, and especially in St Helier, where the provision of and access to public open space may be more limited. There is clear precedent for this approach already having been adopted and applied by the States, manifest in the development of the Town Park;</p> <p>Part (b): The Minister supports this part of the amendment also on the basis that it accords, and promotes consistency, with other objectives of the revised draft Island Plan</p>
28.	20th Amendment (P48./2011) - Part 6 –SCO6	Policy SCO6 - Allotments	An amendment made by Deputy of St Mary to Policy SCO6 –Allotments to delete criteria.. 'not on land required for agriculture...'	Minister minded to reject	<p>The Minister supports the provision of allotments and Policy SCO6 provides a mechanism to do this. In so doing, however, it is incumbent upon the Minister to take into account other material considerations. One of these is the need to ensure that good agricultural land is safeguarded. This is particularly important to the maintenance of the rural economy and the appearance and character of the countryside.</p> <p>On this basis, it is appropriate to ensure that the policy relating to the safeguarding of agricultural land is considered by the Minister when deciding planning applications related to the provision of allotments.</p> <p>It is important to note that the policy does not preclude the development of agricultural land for the purpose of providing allotments: instead, it just makes sure that any such proposal is subject to a number of tests, as follows:</p> <ul style="list-style-type: none"> ○ the impact on the viability of an agricultural holding; ○ the nature of the proposed use; ○ the visual impact; and ○ the recommendations contained in the Countryside Character Appraisal. <p>The Minister also considers it helpful for members to be aware of the view of the Jersey Farmers' Union, which was submitted in relation to Policy SCO6: allotments, as part of the consultation on the draft Island Plan, as follows:</p>

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					<p><i>'The Jersey Farmers' Union recognises the demand for allotments. We believe that their provision can be achieved through the use of smaller fields that are near residential areas. We also believe that fields that are or could be used by the industry should not be re-zoned for allotments.</i></p> <p><i>It will be necessary to ensure that only permitted pesticides, (non commercial) are used on these sites and care must be taken to ensure that allotment holders follow the correct protocols to avoid chemicals entering water courses etc.</i></p> <p><i>We would request that the Industry is consulted prior to any fields being taken out of agriculture for this purpose.'</i> (JFU).</p> <p>The Minister contends that the policy regime provided for allotments, as drafted, seeks to encourage and allow for their provision, whilst providing appropriate criteria against which they should be assessed, having regard to the views of the agricultural industry in particular. On this basis, the Minister is minded to reject the amendment.</p>
29.	20th Amendment (P48./2011) - Part 7 NR7	Policy NR7 - Renewable energy in new developments	An amendment made by Deputy of St Mary to Policy NR7 - Renewable energy in new developments to insert a new criteria <i>'at least an equivalent impact on carbon emissions can be met by alternative means'</i> .	Minister minded to accept	The Minister accepts that low carbon or renewable production may not be the best or only way of off-setting the predicted carbon emissions of development, and that the proposed amendment allows for greater flexibility in the application of this policy objective.
30.	21st Amendment Part 1 (P48./2011)	Amend para 8.31	An amendment made by Deputy of St Mary to amend paragraph 8.31 (page 299), after the words 'the Institution of Highways and Transportation guidelines' insert the words <i>',' interpreted and modified as necessary to Jersey conditions, with such adaptations to be consulted on with users.'</i> "	Minister minded to accept	The Minister considers it entirely appropriate for UK guidelines to be appropriately adapted to reflect the local context, provided that the resultant standards safeguard and promote the safety of all road users.
31.	21st Amendment Part 2 (P48./2011)	Policy TT1	An amendment made by Deputy of St Mary to Policy TT1 - Protection of the Island's footpaths and cycle network (page 299), after the words 'other rights of way' insert the words <i>'or future development of these networks'</i> "	Minister minded to accept	<p>The Minister would suggest that as new elements of the Island's footpath and cycle network are added during the lifetime of the Plan, they will become part of the existing network and will thus be protected by the provisions of this policy. On this basis, the Deputy's assertion that the policy treats the existing network, as if in aspic, is invalid.</p> <p>The proposed amendment seeks to ensure that the policy can also be applied to development which might compromise future extensions of the existing network. The Minister supports this</p>

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					<p>principle and, is thus, willing to support the amendment.</p> <p>It is, however, important to note, that the addition of such a provision could only be of significant material weight to a planning decision where the future route of a footpath or cycle network was known and existed in the form of a definitive proposal.</p>
32.	21st Amendment Part 3 (P48./2011)	Para 8.60 & Policy TT3 - Cycle routes	An amendment made by Deputy of St Mary to insert 'on-road treatments' to both the supporting text and to Policy TT3 -Cycle routes	Minister minded to accept	<p>The Minister supports the basis for this amendment.</p> <p>It is relevant to note, however, than many works carried out within the highway by the Island's highway authorities (the Transport and Technical Services Department and the Island's parochial authorities) are deemed to be permitted development, not requiring express planning permission.</p>
33.	21st Amendment Part 4 (P48./2011)	Policy TT5 - Road safety	An amendment made by Deputy of St Mary to delete the words 'where possible' " to Policy TT5 - Road safety	Minister minded to accept	<p>The use of the words 'where possible' was not intended to imply that road safety was an optional consideration in the design of road layouts but rather that, in some instances, some elements of road design for speed reduction and/or pedestrian and cyclist priority, can have adverse implications for, by way of example, ease of access for emergency services.</p> <p>It is, however, considered that the proposed amendment does not compromise consideration of this issue and the Minister is minded to accept it.</p>
34.	21st Amendment Part 5 (P48./2011)	Policy TT6 - Park and ride	<p>An amendment made by Deputy of St Mary to insert the words -</p> <p>"except that in Policy TT6 - Park and ride (page 312) -</p> <p>(a) in the first paragraph for the word 'will' substitute the word 'may';</p> <p>(b) after criterion 2 insert a new criterion as follows - '3 is better than other existing or possible sites for hubs' ".</p>	Minister minded to accept, in part, subject to further amendment	<p>Further amendment</p> <p>Reject part (a);</p> <p>In part (b) delete the proposed criterion 3 and, instead, after the words 'provided that bus capacity is increased to match demand', add a new paragraph, with the following words:</p> <p>"The Minister for Planning and Environment would expect that an appropriate evaluation of options for the provision of park and ride facilities is made in the development of any emergent proposals during the Plan period, to ensure that they are genuinely accessible by a choice of means of transport; and provide the greatest value and benefit relative to the objectives of the Sustainable Transport Policy (2010)."</p> <p>Comment</p> <p>Part (a) of the amendment is unnecessary. The two criteria set out in Policy TT6 for the provision of park and ride facilities are likely to be the two key tests applied to the assessment of this type of proposal. The purpose of the policy is, therefore, to provide a degree of certainty to the sponsor of such a development such that if they satisfy these criteria, their development proposal is likely to be acceptable, relative to the requirements of this policy.</p>

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					<p>Depending on the specifics of the proposal, however, other material considerations may apply – another Island Plan policy or issues raised in representations from neighbours, for example. The Minister is, by law, required to take account of all of these and to show that he has done so. The Island Plan is the primary consideration, but it is not the only one.</p> <p>This is how the planning system works and it is for the Island Plan to provide as much clarity and certainty as it can to those who use it. The policy, as drafted, seeks to do this.</p> <p>Part (b): The Minister supports the intent behind this part of the proposed amendment, but considers it necessary to propose further amendment, for it to be acceptable.</p> <p>Whilst the Minister understands the intent behind part (b), he would suggest that it is not for him to determine the relative merits of different options for park and ride facilities through the application of this policy. The Minister would respectfully suggest that this task ought to be most appropriately undertaken by the sponsor of any development proposals for park and ride facilities – most likely to be the Minister for Transport and Technical Services – in the development of proposals, and his further amendment seeks to reflect this.</p>
35.	22nd Amendment (P48./2011) - Policy TT10 - Off-street public parking provision in St. Helier	Policy TT10	<p>An amendment by Deputy of St. Mary to insert the words -</p> <p>"except that in Policy TT10 - Off-street public parking provision in St. Helier (page 322), in the paragraph beginning 'All development proposals' delete the words 'and to reflect the need and desire for parking at the time of implementation, which will be reviewed on a bi-annual basis' ".</p>	Minister minded to accept subject to further amendment	<p>Further amendment</p> <p>Retain the words 'and to reflect the need and desire for parking at the time of implementation, which will be reviewed on a bi-annual basis' and, after the words 'which will be reviewed on a bi-annual basis' add the following:</p> <p>"in order that long-stay off-street public parking can be limited or reduced and/or the proportion of short-stay off-street parking increased, in accord with the objectives and performance of the Sustainable Transport Policy (2010)."</p> <p>Comment</p> <p>The Minister supports the need to evaluate the provision of car parking relative to an assessment of overall travel and transport issues affecting St Helier. The specific provision allowed for in Policy TT10 – a bi-annual review of parking demand – will allow just that, relative to the objectives and performance of the Sustainable Transport Policy.</p> <p>In other words, as the policies and proposals of the STP are delivered – which should encourage and deliver modal switch away from the private car – it is right that the overall level of demand for and supply of car parking, and for the proportionate split of car parking provision between long- and short-stay parking, is reviewed. The Island Plan allows for this,</p>

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					<p>as set out in paragraph 8.98 (page 318) and in Policy TT10.</p> <p>The Minister's further amendment seeks to promote clarity and to remove doubt about the intention of this proviso.</p>
36.	23rd Amendment (P48./2011) - Coastal National Park (Wolf's Caves)	Proposals Map	<p>Amendment by Deputy of St. Mary to include Wolf's Caves car park and former cafe/bar site in the Coastal National Park (Policy NE6).</p>	Minister minded to accept	<p>The Minister is minded to accept this amendment on the basis that the site that is the subject of it has already been granted planning permission for the development of one dwelling and that implementation of the permission has commenced.</p> <p>The permission awarded includes requirements for public car parking; a re-aligned public footpath; and a landscaping scheme, with a ten year management plan, to ensure the restoration of a natural landscape on those parts of the site that are not to be built upon.</p> <p>The site is already defined as Green Zone in the revised draft Island Plan and any further development of the site would be subject to the following policy presumption, under Policy NE7: <i>The areas designated as Green Zone on the Proposals Map will be given a high level of protection and there will be a presumption against all forms of development for whatever purpose.</i></p> <p>Whilst the Minister for Planning and Environment would suggest that the Green Zone policy is entirely sufficient to resist new forms of development beyond that which has already been approved and is being implemented, he is not minded to resist this proposed amendment on the basis that it relates to a relatively small land parcel and is considered to be inconsequential given the current ongoing redevelopment of the site.</p>
37.	24th Amendment (P48./2011) Part 1	Jersey Homebuy Refs	<p>Amendment from Senator A. Breckon to make various amendments to the Housing chapter to substitute references to Jersey Home Buy with 'a shared equity scheme established by law'</p>	Minister minded to accept subject to further amendment	<p>Further amendment</p> <p>Substitute the words 'a shared equity scheme established by law' with the words "homebuy or a form of shared equity established by law"</p> <p>Comment</p> <p>The Jersey Homebuy scheme was introduced into the Island with good intent and was targeted at those people who were most in need of discounted house prices who would otherwise be unable to afford to buy a first time buyer home on the open market.</p> <p>The scheme has been the subject of review, involving the Comptroller and Auditor General together with the Departments of Housing and Environment.</p> <p>The outcome of the review is pending and the Minister will continue to work with others to ensure that a scheme which delivers the objectives of promoting access to home ownership</p>

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					<p>to those in most need of it is developed.</p> <p>The form and mechanisms behind any emergent scheme are not material to the Island Plan. The Island Plan is simply the tool that seeks to deliver homes relative to need.</p> <p>It is important, however, that the Plan makes accurate reference to the different forms of housing that might be provided within the various categories of housing referred to in the Plan and the Minister is, therefore, minded to accept Deputy Breckon's amendment on this basis, subject to further amendment as proposed in order that the terminology used is suitably flexible to accommodate the outcome of the review.</p>
38.	24th Amendment (P48./2011) - Part 2	Life long Homes	<p>Amendment from Senator A. Breckon to make various amendments to the Housing chapter to substitute references to 'lifelong homes (for people over 55)' with '<i>lifelong homes (for people over 65)</i>';</p>	Minister minded to accept	<p>The concept of introducing lifelong homes for people over 55 was introduced into the 2002 Island Plan when the States approved a proposition to re-zone eight sites to meet housing needs for older people and first-time buyers (P.75/2008). This provision was made in response to evidence of need and sought to meet the States Strategic Plan objectives of increasing the provision of lifelong homes to enable a greater number of older people to remain living independently in the community, in their own homes, for as long as possible.</p> <p>The report supporting the proposition made it clear that lifelong homes should not be confused with sheltered accommodation. The size and design flexibility of lifelong homes means that residents will be able to live independently for as long as possible: they are specifically designed to accommodate both 'fit' and 'less able' people, over the age of 55 in a socially supportive and stimulating environment.</p> <p>It was also clear that it was a specific objective of the proposition to encourage 'downsizing' by people over 55 in order that they might move into accommodation that was more flexible in terms of the potential need for adaptation in the future, whilst also releasing larger family homes into the housing market.</p> <p>Various data sources cited in the consultation paper report (November 2007) suggested that: 10% of people currently aged 55 and over, who own and occupy family accommodation, would consider downsizing to purpose-built retirement accommodation either in their own community or elsewhere in the Island (JASS, 2006); and, in a Scrutiny Panel survey of States tenants; of the over 55s', 49% would move at some point and 8% would move immediately.</p>
39.	25th Amendment (P48./2011) -	Policy SC03 Community Facilities	<p>Amendment from Deputy I.J. Gorst to safeguard Les Galots, Old South Pier, St. Helier for community use.</p>	Minister minded to accept	<p>The principle of seeking to ensure that land is used to best meets the needs of the community, including those related to community use, is a fundamental objective of the Plan and this</p>

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	Les Galots, Old South Pier, St. Helier				<p>policy can be appropriately used to identify specific requirements.</p> <p>The Minister would anticipate that this potential community requirement, alongside other community uses of the area such as that for the storage and launching of rowing boats, would be considered within the context of any emergent masterplan for the area, undertaken under the auspices of Proposal 11: St. Helier Regeneration Zones.</p>
40.	26th Amendment (P48./2011) – Climate Change	Climate change	Amendment by Senator S.C. Ferguson to remove all references to climate change and carbon emissions.	Minister minded to reject	<p>Deleting all references in the Plan to climate change and carbon emissions, as part of a justification for some of the policies and proposals within it, is in contravention of the position that the States of Jersey has taken in signing the Kyoto Protocol i.e. accepting the challenge of climate change as caused by anthropogenic carbon emissions and has agreed that Jersey will limit its own carbon emissions.</p> <p>The Minister for Planning and Environment is mandated (through the Strategic Plan and its international obligations through the Kyoto Protocol) with bringing forward policies that reduce the Island's carbon emissions and decarbonise the economy. The Plan sets the context for the proposed policy actions and if the document does not state its position on climate change in accordance with the States of Jersey view as stated in the Strategic Plan, then many of the policies throughout the plan appear out of context and with no key drivers.</p> <p>My department has prepared a detailed schedule which sets out the implications of each of the Senator's proposed amendments.</p>
41.	27th Amendment (P48./2011) Housing Chapter	Housing chapter	Amendment by Deputy S. Power to delete the Housing chapter; re-introduce the 2002 Island Plan Housing chapter; and insert a revised Proposal (Housing supply and demand) that will require the Minister to review bring back a further proposition on this matter to the States at a later date.	Minister minded to reject	<p>The sponsor of this amendment highlights the significant challenges faced in meeting the Island's need for affordable homes but seeks to lodge an amendment that offers nothing constructive to address this most serious problem. Instead, the Deputy simply seeks to defer the matter for another day, which does little to address this most pressing of challenges.</p> <p>The Minister strongly urges the rejection of this amendment on the basis that the revised draft Island Plan sets out a clear strategy for the delivery of affordable homes in accord with the clear objectives of the States (as set out in the Strategic Plan), and in accord with the previous decision of the States for the Minister to bring forward a policy to deliver affordable homes as a proportion of new residential development. The revised draft Island Plan also provides for the subsequent monitoring and review of its performance.</p> <p>The Minister would offer the following comment on the specific</p>

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					<p>points raised in the amendment:</p> <p>Demand :The Minister for Planning & Environment recognises that the current demand for affordable housing is acute and sympathises with the Deputy's concerns about making sure that there is available sufficient affordable housing provision made over the Plan period.</p> <p>The Deputy is concerned that the plan uses out of date data that cannot be relied upon. The Minister would suggest, however, that the data used is the most up to date and has been fully endorsed by numerous sources including, most notably, the States' Statistic Unit and the independent planning inspectors.</p> <p>The overall estimate of demand was endorsed by the Inspectors of the IPR Examination in Public (EiP); Volume 1 paragraph 8.8:</p> <p style="padding-left: 40px;">"the assessment of <i>overall</i> demand was soundly based...and had been carried out to a high standard."</p> <p>In addition, it was confirmed in March 2011 by the States Statistician that the assumptions made about the demand for housing are still valid.</p> <p>It can, therefore, be said with some certainty, and with confirmation from a number of sources, that the evidence of demand for new housing exists at the levels identified within the revised draft Island Plan.</p> <p>Supply: The approach that the Minister has adopted with the revised draft Island Plan is consistent with the States strategic objectives of protecting green field land and open spaces and has led to the preferred spatial option of using a combination of brownfield land, States-owned land that is surplus to requirements, and a new policy of providing affordable housing through windfall developments (Policy H3).</p> <p>From this approach, a supply of 1000 units of affordable housing have been identified, of which approximately 400 are either already under construction, been given planning approval or are already approved by the States under previous States decisions (e.g. P75/2008).</p> <p>There are 3 proposed Category A housing sites that, if the Plan is adopted, could provide approximately 100 dwellings. This source of supply would be effectively 'lost' or 'suspended' if the Deputy's proposition was successful, serving to undermine the potential supply of affordable housing.</p> <p>The use of States-owned land was introduced by the Minister to replace some of the Category A housing sites originally identified in the consultation draft Island Plan (Sept 2009). The</p>

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					<p>States has approved the disposal of a number of States-owned sites already, through the 2010 Business Plan, and up to 150 homes can be expected to be delivered through this source. This, together with the supply identified above, is seen as important in contributing towards the need for affordable homes in the first half of the Plan period, and approval of the Plan would enable these contributions to the supply of much-needed affordable housing to be delivered.</p> <p>The new affordable housing policy (H3) is seen as a longer term strategy and although this is a new mechanism for securing affordable homes in Jersey, it is a well established approach that has been used successfully in UK planning authorities. Policy H3 has been brought forward as part of the Minister's housing strategy, in direct response to an earlier States decision. It was also fully endorsed by the inspectors at the original EiP, subject to the recommendations made by them, which have been fully adopted in the revised draft Plan. These include; reducing the affordable housing percentage yield; increasing the threshold levels; delaying the policy adoption until January 2012; and ensuring that guidance is in place.</p> <p>All the policies will be fully monitored and any issues quickly identified so that policies can be adjusted as required, for example, should new evidence become available (e.g. through the Census) then changes to policies can be made.</p> <p>The Minister does not, therefore, accept that the strategy and related policies for the provision of homes in the revised draft Island Plan will provide insufficient affordable housing as put forward in the Deputy's proposed amendment. Removing the draft housing chapter and keeping the 2002 version, which has no new identified housing supply available, would have the effect of stopping all new supplies of affordable housing coming forward, and have a far greater and significantly adverse impact upon the delivery of affordable homes.</p>
42.	28th Amendment (P48./2011) - La Providence, La Vallée de St. Pierre, St. Lawrence (community facilities)	Proposals Map	<p>Amendment from Deputy J.A.N Le Fondre to amend the Proposals Map to rezone the community building at La Providence, La Vallée de St. Pierre, St. Lawrence, and surrounding land from the Built-up Area to the Green Zone. Also to amend Policy SCO3 (Community facilities) to protect community facilities outside of the Built-up Area from alternative uses.</p>	Minister minded to accept part (a) and to reject part (b)	<p>Whilst the Minister is minded to accept part of the proposed amendment, he would note that it is somewhat flawed.</p> <p>The effect of part (a) of the amendment is that the Built-up Area boundary be tightly drawn around the original rezoned site for La Providence. This is somewhat illogical and inconsistent with the definition of the BUA boundary elsewhere in the Plan as it does not reflect the decisions taken in respect of the La Providence development and what has been built on the ground, as shown on the aerial photograph of the site (see appendix)</p> <p>The definition of the BUA proposed by the Minister in the</p>

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					<p>revised draft Island Plan incorporates the newly constructed community building, the access road to the housing site and a car park enclosed on three sides by the community building and various houses and gardens of the La Providence development.</p> <p>In approving the La Providence scheme, the Minister permitted a limited amount of development beyond the originally zoned site, including: the vehicular access to the site, a community building (to be used as a children's day nursery), areas of car parking, and parts of two domestic gardens. There were good reasons put forward for doing so. For example, the vehicular access was relocated in response to requests from local residents to maximise its distance from the existing junction of Rue de la Blanche Pierre. Similarly, there were recognised advantages to siting the community building where it is, given the wider public use envisaged.</p> <p>It is, therefore, considered to be somewhat illogical to exclude these developments from the Built-up Area, given that they exist and are contiguous with the main Built-up Area on the ground. The Minister is, however, minded to accept this part of the amendment on the basis that the extent of land involved is marginal and is already developed.</p> <p>Part (b): The second part of this proposed amendment seeks to introduce a presumption against the alternative development of community facilities where they do not lie in the Built-up Area. Notwithstanding that the La Providence community facility is naturally part of the BUA (as dealt with above), this part of the amendment is also considered to be somewhat illogical on the following bases:</p> <p>Policy SCO3: community facilities (pp 278-279), already confers a presumption against the alternative development of community facilities, where they are no longer required to meet the needs of the local community. The proposed amendment seeks to make a distinction between the value of community facilities based on their location i.e. whether within or outwith the BUA. This distinction is considered to be entirely false and unfounded in that the key test for the value of a community building ought properly to be whether it is needed by the local community, not where it is.</p> <p>Secondly, the proposed amendment seeks to confer an absolute moratorium on the alternative development of this (and other) community buildings outside the BUA, even where there is no community need for them. It is evident that circumstances can change and the planning system should be sufficiently flexible to address change. Any future applications for the alternative development of community facilities (in the</p>

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					<p>Built-up Area or otherwise) should, therefore, be properly considered on their individual merits having regard to the policies and objectives of the Island Plan.</p> <p>The Minister is minded to reject part (b) as it will adversely affect all community facilities outside the BUA.</p>
43.	29th Amendment (P48./2011) - Field 189, St Peter & Field 287, St. Peter	Policy H1 Category A Housing sites	<p>Amendment by Connetable of St. Peter to add to the list of sites to be zoned for Category A housing at Policy H1: Category A housing sites (on page 246):</p> <p><i>i. '4. Field 189, Le Rue de L'Eglise, St. Peter (1 acre/2.25 vergées).';</i></p> <p><i>ii. '5. Field 287, Saut Falluet, St. Peter (0.7 acres/1.6 vergées).';</i></p>	Minister minded to reject	<p>The proposed use of these sites for the provision of homes does not accord with the States Strategic Plan objective of meeting the Island's housing need without the loss of further greenfield land. As a consequence, it is also contrary to the Spatial Strategy of the revised draft Island Plan, which seeks to meet the Island's development needs predominantly from within the Built-up Area and the development of brownfield land.</p> <p>The Minister is also of the view that the revised draft Island Plan makes provision for sufficient housing to meet the anticipated demand over the Plan period and that it is not necessary to further rezone additional land to meet this requirement at this time.</p> <p>It is also relevant to note that both of these sites have already been considered and have been rejected by independent planning inspectors as housing sites.</p>
44.	30th Amendment (P48./2011) - Coastal National Park (NE6) and Green Zone (NE7) policies	Policies NE6 (Coastal National Park) & NE7 (Green zone)	<p>Amendment by Senator T.J. Le Main to amend Coastal National Park (NE6) and Green Zone (NE7) policies to require all developments of two or more units of residential accommodation to be taken to the States' Assembly for their views.</p>	Minister minded to reject	<p>There already exists a mechanism for States members to make their views known on development proposals through the existing planning application process, where members can and do submit comment directly, or appear at the Minister's or Planning Applications Panel's Public Meetings, where the most significant and controversial applications are determined.</p> <p>In addition to this, where planning applications are made that represent a departure from the Island Plan or where they would have a significant effect on the interest of the whole or a substantial part of the population, the law provides a mechanism for the holding of public inquiries. This further ensures that significant development proposals are exposed to an open, robust and independent examination before they are determined.</p> <p>It is also considered relevant to note that the policy regime proposed for the Coastal National Park is very strong, as is that proposed for the Green Zone, where there exists a presumption against new development for whatever purpose as a starting point.</p> <p>It is the Department's view, however, that where there is an existing authorised building or use in these areas that there must be some reasonable expectation of development and/or redevelopment. The Island Plan policies recognise this and set</p>

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					<p>out a whole series of policy constraints to regulate any such work.</p> <p>The policy framework provided by the revised draft Plan seeks to ensure that planning permission for redevelopment is, however, far from automatic and that the impact of the redevelopment of existing buildings and uses delivers environmental gains in accord with the objective of seeking to protect and enhance the Island's countryside and coast.</p> <p>The Department of the Environment will provide data on the number of planning applications for residential development of three or more dwellings in the areas proposed for designation as Coastal National Park and Green Zone in order that the implications for the business of government posed by this amendment can be considered.</p>
44a	Amendment to 30th amendment by Deputy Wimberley		<p>1. PAGE 2- Paragraph (a) Delete the words "in sensitive locations"</p> <p>2. PAGE 2- Paragraphs (a) and (b) For the words "more than two" where they appear in both paragraphs substitute the words "two or more".</p>	Minister minded to reject	<p>The Minister is minded to reject this on the basis of the above response to the original amendment.</p> <p>The Department of the Environment will provide data on the number of planning applications for residential development of two or more dwellings in the areas proposed for designation as Coastal National Park and Green Zone in order that the implications for the business of government posed by this amendment can be considered.</p>
45.	31st Amendment (P48./2011): Proposal 20 - Parking Guidelines	Proposal 20 - Parking Guidelines.	<p>Amendment by Deputy J.M Macon to the supporting text of Proposal 20 on parking guidelines. in paragraph 8.136 (page 327), after the words 'be excluded from using it' insert the following words -</p> <p>'The Minister, thus, acknowledges that for some sections of the Island community the private vehicle remains the only practical transport option and that parking for commercial vehicles is also of significance to business..'</p> <p>b.) in paragraph 8.137 (page 327), after the words 'for broad classes of development' insert the following words</p> <p>', including residential and commercial land uses and buildings, as well as for urban and rural parts of the Island.'</p>	Minister minded to accept	<p>The Minister recognises and sympathetic to the issues raised by Deputy Macon and will seek to develop, consult upon and adopt supplementary planning guidance related to parking standards, whilst having had regard to these issues and the context provided by the Sustainable Transport Policy (2010) approved by the States.</p>
46.	32nd	Island Plan	Amendment by Deputy D.J De Sousa of	Minister minded to accept	The Minister supports the proposed amendment on the basis

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	Amendment (P48./2011) - Island Plan Strategic Policy Framework (relating to the Town of St. Helier)	Strategic Policy Framework	St Helier to the Island Plan Strategic Policy Framework (relating to the Town of St. Helier) At the end of paragraph 2.22, after the words 'its public realm and infrastructure.' insert the words ' <i>In particular, it is imperative that to create an acceptable urban living environment in the Town, adequate provision of good quality and accessible public open space must be planned for and made.</i> ' "		that it serves to highlight the objectives already stated.
47.	33rd Amendment (P48./2011) - Tall Buildings (Policy BE5)	Policy BE5: Tall buildings	<p>Amendment by Deputy D.J De Sousa of St. Helier to Policy BE5: Tall buildings to replace the words 'Tall buildings, defined as those either above five storeys in height, or rising more than two storeys above their neighbours, will only be permitted where their exceptional height can be fully justified, in a Design Statement, in urban design terms.' with the following words</p> <p><i>'Tall buildings, defined as those either above five storeys in height, will only be permitted where their exceptional height can be fully justified, in a Design Statement, in urban design terms. Development which exceeds the height of buildings in the immediate vicinity will not be approved'</i></p>	Minister minded to accept subject to an amendment	<p>Further amendment</p> <p>Delete:</p> <p>'Development which exceeds the height of buildings in the immediate vicinity will not be approved'</p> <p>and replace with the following new Proposal 15, after para. 4.100 (page 159).</p> <p>"Proposal 15: Urban character</p> <p>The Minister for Planning and Environment will have regard to the St Helier Urban Character Appraisal when determining proposals for development which affects the town, and particularly for the development of tall buildings.</p> <p>The primary consideration will be to protect and enhance the character of the town and the impact of development proposals on the distinct character of the different parts of the town will be assessed and determined against the St Helier Urban Character Appraisal, which will be issued by the Minister as supplementary planning guidance."</p> <p>And to renumber subsequent proposals accordingly.</p> <p>Comment</p> <p>The Minister is sympathetic to the intent behind this amendment but believes that the regime of policy and guidance which the Plan seeks to provide gives a sufficiently robust set of tools to enable the height of buildings in St Helier to be adequately controlled.</p> <p>In particular, the Minister believes that the St Helier Urban Character Appraisal, which provides explicit design guidance about the range of heights that can be accommodated within the town without causing undue to harm to the distinct areas of character within it, can be used to better effect to inform planning decisions.</p> <p>The Minister's intent to publish supplementary design guidance based on the Urban Character Appraisal is set out in the Plan,</p>

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					<p>at para 4.100 (page 159). In light of Deputy de Sousa's amendment, however, the Minister believes that this intent should be made more explicit, in order to ensure that the materiality of this work as a factor in decision-making is highlighted, particularly in relation to proposals for tall buildings. On this basis, the Minister's further amendment links decision-making on tall buildings in the town to the Urban Character Appraisal.</p> <p>The Minister is also keen to avoid potential unintended consequences of Deputy de Sousa's amendment, which, in itself, could still permit tall buildings to be developed where they are sited next to existing tall buildings e.g. Cyril Le Marquand House. The Urban Character Area suggests that, in this locality, the predominant building height should be 2.5 to 3.5 storeys.</p>
48.	34th Amendment (P48./2011): St. Mary's Village Development Plan	Superseded Plans	Amendment by Connetable of St. Mary to exclude St. Mary's Village Development Plan from those plans to be superseded by the new Island Plan.	Minister minded to accept	<p>Comment</p> <p>The Connétable of St Mary seeks to secure the Minister for Planning and Environment's formal view on the implications of removing the St. Mary's Village Development Plan (1994) from the Island's planning policy framework, which is set out, in detail, below.</p> <p>In summary, it is the Minister's view that the Village Plan has been overtaken by events and is too old to act as an effective tool for guiding future land use decisions in the village. It is considered that there is little merit in retaining the Village Plan not least because the broad objectives of the Village Plan (that have not already been implemented) are addressed by draft Island Plan policies. The revised draft Island Plan policies are considerably more detailed than those in the Village Plan and offer a more robust basis for day-to-day planning decisions. Retaining the old Village Plan may be potentially more harmful than having no plan and may serve to engender confusion and uncertainty.</p> <p>If the parish community is of the view that the village needs a new plan, then the revised draft Island Plan (at Proposal 14) provides the opportunity for this to be done over the next 10 years. These need not be an elaborate exercise and, like other parishes, can be undertaken by the community, with limited assistance from States departments.</p> <p>Notwithstanding the above, the Minister is minded to accept the Connétable's amendment if, having considered the Minister's comments, she is still minded to propose it.</p> <p>Report</p> <p>It is acknowledged that the St. Mary's Village Plan was</p>

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					<p>prepared in full consultation with parish residents and that the planning policies and proposals set out in the Plan provided a sound framework for protecting and enhancing the character of the village. The Plan played a role in providing for limited and controlled small-scale development in and around the village, whilst helping to prevent unnecessary and obtrusive development.</p> <p>However, the approved Village Plan is now some 17 years old and is not considered to be a suitable or reliable guide to the future, given that:</p> <ol style="list-style-type: none"> 1. most of its key proposals have been implemented; 2. there are now grounds for changing the boundaries of built-up area of the village from that identified in the Village Plan; 3. the draft Island Plan addresses many of the planning issues that are dealt with in the Village Plan; and 4. the Village Plan may no longer reflect the views, attitudes and expectations of the local community. <p>Proposals implemented</p> <p>Key proposals which have already been implemented include:</p> <ul style="list-style-type: none"> ▪ The two sites designated in the Village Plan for Category A housing purposes at Les Buis (Field 420) and at Field 492, which were completed between 1999 and 2001. ▪ The proposal for a public open space on Field 482 to the north of the primary school playing field. ▪ The proposal for a community centre adjacent to the Parish Hall. ▪ Two of the three identified potential infill sites. <p>Changes to the Built-up area boundary</p> <p>It is now considered appropriate to significantly change the built up area boundary from that included in the Village Plan (as shown on the draft Island Plan Proposals Map), primarily to reflect changes that have occurred on the ground since the adoption of the Plan, including:</p> <ul style="list-style-type: none"> ▪ The zoning of the former glasshouse site on Fields 561 and 562 for social rented and open market Lifelong Homes, which are currently under construction. This was one of eight sites approved by the States in July 2008 for Category A housing (Projet 75/2008) and remains zoned for the purpose in the draft Island Plan (Policy H2). The development will provide a significant addition of over 30 new homes to the village and will serve to enclose a large

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					<p>area of open agricultural land which is also outside the former village development limits (Fields 563 and 564). As a consequence it is now proposed to include all this land in the village envelope.</p> <ul style="list-style-type: none"> ▪ The car park developed in the north-eastern corner of Field 564 along Rue de la Rosiere for the Bethlehem Methodist Chapel. <p>The draft Island Plan also proposes a tightening of the village development limits in other locations, which should afford greater protection of some former built-up area sites under the proposed Green Zone policy, including:</p> <ul style="list-style-type: none"> ▪ Field 495 which was identified in the Village Plan as a housing infill site; ▪ land to the south and west of La Fontaine including fields 503 and 505 and La Sausee; and ▪ La Croix and the land immediately to the south. <p>Revised draft Island Plan</p> <p>The planning issues set out in the Village Plan which are addressed by the draft Island Plan policies include:</p> <p>Important Open Space: All the key areas of important open space identified in the Village Plan will remain protected under draft Policy SCO4 'Protected Open Space' (as will the area of open agricultural land between the development at Fields 561 and 562 and the Methodist Chapel).</p> <p>Conservation Area: The Village Plan indicates the potential boundary of a Conservation Area which incorporates the largely unspoilt historic nucleus of the settlement around St Mary's Church. The Village Plan policies looks to protect the buildings and features in this area which contribute to its character and to promote sympathetic development and environmental enhancement. To a large extent, the objectives behind these conservation area policies will be addressed in the draft Island Plan by Proposal 7 (which sets out the Minister's intention to identify and designate conservation areas throughout the Island) and, more immediately, through a whole raft of detailed criteria-based strategic planning policies, including:</p> <ul style="list-style-type: none"> ▪ Policy SP4 'Protecting the Natural and Historic Environment'; ▪ Policy SP7 'Better Design'; ▪ Policy GD1 'General Development Considerations'; ▪ Policy GD2 'Demolition and Replacement of Buildings'; ▪ Policy GD7 'Design Quality';

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					<ul style="list-style-type: none"> ▪ Policy NE4 'Trees, Woodland and Boundary Features'; ▪ Policy HE1 'Protecting Listed Buildings and Places'; ▪ Policy HE2 'Protection of Historic Windows and Doors; ▪ Policy HE3 'Preservation or Enhancement of Conservation Areas'; ▪ Policy HE4 'Demolition in Conservation Areas'; ▪ Policy ERE1 'Safeguarding Agricultural Land'; <p>In her report, the Connétable is seeking reassurances from the Minister on the designation of a Conservation Area at St Mary and the involvement of the Parish and Parishioners in the process.</p> <p>Conservation Areas are to be introduced in Jersey as set out in the emerging Island Plan. Any designation will follow a process of identification, assessment, consultation and formal designation. It is envisaged this will encompass a number of settlements during the life of the Plan which are likely to include rural settlements. Settlement centres such as St Mary's will be assessed for future Conservation Area status.</p> <p>A Conservation Area is defined in the emerging Plan as an area of historic interest and character that should be conserved or enhanced for future generations. The assessment of such areas will be carried out in a systematic way responding to a set of criteria to be published in a forthcoming supplementary planning guidance. Each area will be assessed on its own merits. Following the technical assessment there will be a process of consultation and engagement with the local Parish and community to assess the acceptance of the proposed designation in the locality.</p> <p>The centre of St Mary's has a strongly identifiable character and appearance which has historic significance and is worthy of conservation. At its heart is the ancient Parish Church, its Churchyard, the associated Rectory set in its own extensive grounds and a number of rural vernacular buildings surrounding the Church. The unifying element of granite walls gives a strong sense of enclosure which is softened by a number of significant and mature trees. These are particularly important in providing the rural appearance to the settlement and the setting to the Church. Finally glimpse views to the open countryside provide a rural character and setting to the core that would be desirable to conserve.</p> <p>A full assessment of the merits of St Mary's village will need to be carried out within the life of the Plan to assess the desirability of full Conservation Area designation. This will follow the Plan's Proposal 7 which ensures the long term</p>

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					<p>protection of historic character.</p> <p>Buildings of Architectural or Historic Importance</p> <p>The Village Plan policy of protecting these from unnecessary demolition and insensitive or inappropriate alteration or extension is covered in the draft Island Plan by policies HE1 'Protecting Listed Buildings and Places' and HE2 'Protection of Historic Windows and Doors'.</p> <p>The identification and designation of heritage buildings and places will be comprehensively undertaken in St Mary, as well as the rest of the Island, as part of the ongoing Historic Environment Review.</p> <p>Infill Housing Developments</p> <p>Draft Island Plan Policy H5 supports the provision of small-scale affordable housing /Category A homes within the existing built-up area of rural settlements such as St. Mary.</p> <p>Local community views</p> <p>Over the last 17 years or so since the adoption of the Village Plan, there have been many changes in circumstances (e.g. demographic, physical, economic and social changes) and it is quite conceivable that the Village Plan will no longer reflect views, attitudes and expectations of the people who currently live in the village, or the local parish community.</p> <p>However, it remains open to the Parish of St Mary to consider undertaking a new Village Plan or study to help inform future planning decisions, where it is considered appropriate. The preparation of such a Plan will provide a convenient opportunity for the local public to participate in the planning of their village and community and to address the problems and issues that affect them now.</p> <p>Proposal 14 of the draft Island Plan makes provision for Village Plans or studies to be produced and adopted for rural parish centres. These plans must be undertaken by the relevant parochial authorities in full consultation with their local communities and key stakeholders where there is a justifiable requirement. The justification might, for example, include a requirement to address identified local housing needs and in so doing support the vitality and viability of the community. In the case of St Mary, the preparation of a new Village Plan might perhaps also provide the opportunity to usefully look again at drawing up policies for outstanding issues which have yet to be fully resolved (e.g. traffic management, improved pedestrian facilities, church parking and certain improvements to the existing environment).</p> <p>Any new village planning exercise can build on the survey work</p>

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					which was undertaken for the original village plan and set out in the original consultation report.
49.	35th Amendment (P48./2011): Part Field 1219, Grande Route de Mont a l'Abbé, St Helier	Proposals Map	Amendment by Deputy D.J De Sousa to remove Part Field 1219, Grande Route de Mont a l'Abbé, St Helier as a Category A housing site.	Minister minded to reject	<p>The Minister is required to present to the States a Plan which seeks to comprehensively meet the Island's needs over the next ten years: the provision of housing is fundamental to this, and the re-zoning of part of Field 1219 contributes towards this objective, offering the potential to provide about 42 new Category A homes.</p> <p>Failure to secure the re-zoning of this field for the provision of housing would have the potential to erode part of the Minister's strategy for the provision of Category A homes, particularly in the early part of the Plan period. It is also considered to be an important site for the provision of family housing, which is more difficult to achieve in more urban settings.</p> <p>Whilst the Minister acknowledges that this site is greenfield land its location within the Built-up Area renders it entirely suitable for the development of new homes in every other respect. It is also considered relevant to note that whilst not the subject of the proposed amendment, the western half of Field 1219 is safeguarded for educational use to provide additional playing facilities for Haute Vallée School: whilst the safeguarding element of this proposal would be unaffected by the amendment, realising the delivery of the playing fields may be prejudiced by the amendment.</p> <p>In light of the above, it is considered that there is overriding community benefit in rezoning part of this field for the development of new homes.</p> <p>It is relevant to note that no objections were received in relation to the proposed rezoning of this field for Category A housing set out in the consultation draft Island Plan (Sept 2009) and no adverse comment in relation to it was made by the independent planning inspectors in their report to the Minister (Nov. 2010).</p>
50.	36th Amendment (P48./2011): Glasshouse site, Field 244A, La Rue des Nouettes, St Clement.	Para 7.38 and Policy SC03 Facilities	Amendment by Deputy I.J Gorst of St Clement to safeguard glasshouse site, Field 244A, La Rue des Nouettes, St Clements for the development of community facilities.	Minister minded to accept amendment	<p>The principle of seeking to ensure that land is used to best meets the needs of the community, including those related to community use, is a fundamental objective of the Plan and this policy can be appropriately used to identify specific requirements.</p> <p>The Minister is, therefore, minded to support the proposed amendment on the basis that it seeks to safeguard land for community use only, in relation to an existing facility.</p> <p>It is important to note, however, that the Minister's acceptance of this proposed amendment in no way carries with it any implicit or explicit acceptance of any associated development</p>

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					that may be necessary to deliver the development of additional sports facilities: the proposed amendment simply serves to safeguard land for community use.
51.	37th Amendment, Part 1 (P48./2011) – Supplementary Planning Guidance	Supplementary Planning Guidance (planning obligation agreements)	<p>An amendment made by Deputy J.A.N Le Fondre of St. Lawrence to amend policy GD4 to insert : <i>"The Minister will update and publish guidance in relation to planning gain and planning obligation agreements, and such guidance shall, in particular, indicate by what point in the life of a development (in the normal course of events) planning gain should be provided, depending upon the nature of such gain."</i></p> <p>Changes to para 1.22 also amended to reflect policy amendment.</p>	Minister minded to accept	It is the Minister's stated intent to review the supplementary planning guidance related to planning obligation agreements (as stated in Appendix A of the Plan) and, on this basis, the Minister is minded to accept the amendment as the issues it raises will be addressed through the review.
52.	37th Amendment, Part 2 (P48./2011)- Guidelines for Residential Development and Regeneration	Proposal 10 - Guidelines for Residential Development and Policy H6 - Housing Development within the Built-up Area.	<p>An amendment made by Deputy J.A.N Le Fondre of St. Lawrence to various parts of the plan (Proposal 10 and Policy H6) to include references to internal space standards and internal noise insulation.</p>	Minister minded to accept in part	<p>Accept parts (a), (c) and (e) relating to the potential requirement to further increase internal space standards for residential accommodation. This will be an integral part of the review of supplementary planning guidance to which the Minister has indicated his intent to undertake, as set out in the Plan.</p> <p>Reject parts (b), (d) and (f) relating to improvements in internal noise and sound insulation of, and between, units of accommodation.</p> <p>Whilst Deputy Le Fondre is right to be concerned about standards of sound insulation, this matter is already effectively regulated by building bye-law requirements and is not a matter for inclusion in the Island Plan or supplementary planning guidance.</p> <p>Bye-law requirements relating to noise insulation, under the auspices of Part 9: resistance to the passage of sound, were first introduced in 1997 specifically to deal with problems of poor sound insulation between dwellings: these were extend and improved in 2004.</p> <p>The tightening of the bye-laws in 2004, together with bye-law stipulations regarding testing of construction at completion of work, has resulted in a significant improvement in building standards and the department has no record of complaints because of poor sound insulation between dwellings.</p> <p>If there is concern about current sound insulation standards not being high enough, for which there is considered to be no evidence, it is more appropriately considered through the</p>

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					mechanism of building bye-laws rather than the Island Plan and/or supplementary planning guidance.
53.	37th Amendment, Part 3 (P48./2011) – Proposals 11 & 12	Proposals 11 (St. Helier Regeneration Zones) & 12 (Jersey Airport Regeneration Zone)	An amendment made by Deputy J.A.N Le Fondre of St. Lawrence to various parts of the Plan -Proposal 11 - St. Helier Regeneration Zones, Proposal 12 - Jersey Airport Regeneration Zone, to require any States owned sites that is identified in a regeneration zone for development to be subject to a financial appraisal and risk analysis and final approval of the master plan by the States assembly.	Minister minded to accept part (a) and (e) subject to further amendment but to reject (b)-(d), (f) (g).	<p>Further amendment</p> <p>Part (a): Delete the words 'In such cases it will be required that financial appraisals and risk analyses of any proposed development schemes that are linked with the States of Jersey or any entity controlled by the States of Jersey will require the consideration of the States Assembly prior to the approval and adoption of a Masterplan by the Minister.'</p> <p>And replace with the following words, Where these are key determinants to the delivery of the masterplan the Minister may refer masterplans to the States for consideration.</p> <p>Part (e): Delete the words 'The States will asked to approve the final status of an area as a regeneration zone only after the following has been presented to the States –</p> <ol style="list-style-type: none"> 1. A Masterplan, and comprehensive development brief(s) for the area and any key sites within that area; 2. Financial appraisals and risk analyses of any proposed development schemes relating to sites within the proposed regeneration area that are to be undertaken by the States of Jersey or by any entity controlled by the States of Jersey. <p>Until such time as consent from the States Assembly has been provided then the areas in question shall be designated as proposed regeneration zones.';</p> <p>And replace with the following words, "Where there are significant States-owned assets that are key determinants to the delivery of the masterplan the Minister may refer masterplans to the States for consideration."</p> <p>Comment</p> <p>Part (a): The Minister accepts the principle behind parts (a) and (e) of the proposed amendment, but believes that as drafted, it is flawed on the basis that it attempts to conflate the consideration of the detailed economics of the development of States-owned land with the development of a planning framework for specific areas of the town.</p> <p>Whilst the Assembly may wish to involve itself in the financial details of the use and development of States-owned land, the Minister considers that the approval of area-based masterplans is not necessarily the appropriate mechanism to do this.</p> <p>The purpose of these proposals is to enable the Minister to develop, through liaison with key stakeholders as well as</p>

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					<p>through public consultation, a framework for the development of an area, to provide overarching direction and guidance, as well as site-specific guidance, about the development and use of land. The Minister would expect States members to be involved in this process and opportunity is afforded for them to be so.</p> <p>The development of such frameworks is not just of relevance to States land – and may not even affect States-owned assets – but most significantly, provides a context against which landowners, businesses and developers can make informed investment decisions which will assist, in particular, in the regeneration of St Helier.</p> <p>The Minister considers, therefore, that any such obligation to refer the approval of masterplans to the States is only of relevance where the development of States-owned land is the key determinant and driver for the delivery of a masterplan. The Minister thus proposes a further amendment which seeks to reflect the intent behind the amendment, whilst also seeking to ensure that the proper planning of these areas is not unduly encumbered by detailed financial considerations relating to States land only, which ought to be duly considered through other mechanisms.</p> <p>Reject parts (b)-(d), (f)(g): these parts of the amendment essentially seek to identify the Regeneration Zones in the Plan as 'proposed' Regeneration Zones. This is not considered to be particularly useful or substantive.</p> <p>The proposal to identify these areas as RZs does not confer any particular status upon them other than to identify the potential and intent of a master planning exercise being carried out for them during the Plan period. Until a master plan is thus undertaken and adopted they will effectively exist as 'proposed' Regeneration Zones as a matter of course.</p>
54.	37th Amendment, Part 4 (P48./2011) – Policy BE5 Tall Buildings	Policy BE5 Tall Buildings	<p>An amendment made by Deputy J.A.N Le Fondre of St. Lawrence to amend Policy BE5 - Tall buildings to substitute the words 'five storeys' where they appear in the first line and in the last paragraph, with the words 'approximately 18 metres' and substitute the words 'two storeys' in the first paragraph with the words 'approximately 7 metres'.</p> <p>In addition insert the following paragraph at the end of the policy 'For the avoidance of doubt, for the</p>	Minister minded to reject	<p>The proposed amendment is not considered to be particularly helpful and does not, it is believed, add much clarity to the policy.</p> <p>Whilst it is accepted that there may be some debate about what does and what does not constitute a storey, the way in which the height of a building is determined is not a determinative factor in deciding whether or not a development proposal for a tall building should be approved. The key test in the acceptability of a tall building, is its design.</p> <p>The general effect of Policy BE5: Tall buildings, is not to state that buildings above or below a certain height (whether measured in storeys or metres) will be approved or refused, but to set out the key criteria against which proposals for tall</p>

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			<i>purposes of the definition of a tall building as laid out in the first paragraph of this policy, where roof top plant is incorporated into the design of the building, there will be a further 2 metres allowed in the calculation of the height of the building before it is defined as a tall building.'</i>		<p>buildings will be assessed.</p> <p>Likewise, for development that is not defined as a tall building, under the terms of this policy (whether measured in storeys or metres) their impact will still fall to be assessed in terms of robust design policies, set out in Policy SP7 and GD7 and, if the Minister's further amendment is accepted and where relevant, the St Helier Urban Character Appraisal (see amd 33).</p> <p>It is also relevant to note that the 2002 Island Plan policy related to tall buildings (BE5), upon which the revised draft Island Plan policy is based, uses reference to 'storeys', and has not been found to be particularly problematic over the last nine years. Likewise, this draft policy has attracted little adverse comment in the Island Plan Review process to date.</p> <p>On the basis of the above, the Minister is minded to reject the proposed amendment.</p>
55.	37th Amendment, Part 5 (P48./2011) – Policy H3 Affordable Housing	Policy H3 Affordable Housing	An amendment made by Deputy J.A.N Le Fondre of St. Lawrence to remove policy H3 from the draft Plan and request the Minister to....' <i>bring forward for approval by the States a revision to this Plan to make new provision for the delivery of affordable homes, giving details at that time of the proposed supplementary planning guidance.'</i>	Minister minded to reject	<p>The sponsor of this amendment highlights the significant challenges faced in meeting the Island's need for affordable homes but seeks to lodge an amendment that offers nothing constructive to address this most serious problem. Instead, the Deputy simply seeks to defer the matter for another day, which does little to address this most pressing of challenges.</p> <p>The Minister strongly urges the rejection of this amendment on the basis that the revised draft Island Plan sets out a clear strategy for the delivery of affordable homes in accord with the clear objectives of the States (as set out in the Strategic Plan), and in accord with the previous decision of the States for the Minister to bring forward a policy to deliver affordable homes as a proportion of new residential development. The revised draft Island Plan also provides for the subsequent monitoring and review of its performance.</p> <p>The proposal to suspend this policy for a later States debate will have a significant effect upon future affordable housing supply and is unnecessary, unhelpful and potentially damaging to the comprehensives of the Plan and the delivery of affordable homes.</p> <p>The principles of the draft policy were put to the States Assembly in a proposition brought by the Deputy of Grouville. The States Assembly adopted the proposition, by a substantial majority (41-4), regarding the provision of affordable housing in the following terms:</p> <p><i>To request the Minister for Planning and Environment to bring forward a policy that requires planning applications of over a certain size to provide a percentage of their build for social need whether that be social rented, first time buyer,</i></p>

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					<p><i>retirement, sheltered housing or a mix, whichever is most appropriate for the site"</i></p> <p>In response to this specific obligation, the Minister for Planning and Environment has developed Policy H3: Affordable housing, as set out in the revised draft Island Plan. The development of the policy has been informed by specialist advice from Kelvin Macdonald to formulate the policy in the draft plan. This has been further modified following extensive public consultation, involving input from the development industry, and significant independent scrutiny and review, from the independent planning inspectors at the original EiP.</p> <p>The Department of the Environment also released a draft supplementary planning guidance (SPG) document in August 2010, which outlined in more detail how the policy would operate.</p> <p>The guidance is currently being updated, to fully assess and validate the viability model, and will provide greater clarity on this issue, and will employ fully worked up application examples to demonstrate how the policy will operate in practice. It will also include details relating to the management of financial contributions; on and off site provision; and the use of planning obligation agreements.</p> <p>This draft document is also currently being reviewed by Kelvin Macdonald, the author of the initial report on affordable housing, who is working closely with the Cambridge Centre for Housing and Planning Research (CCHPR) as part of this review. It is expected that the outcome from this work will be available over the next few weeks and before the States debate on the revised draft Island Plan.</p> <p>The draft Policy was amended following the recommendations of the planning inspectors, one of which was that, if approved, it will not come into effect until January 2012, which in itself provides sufficient time to finalise the details in the SPG. There is, therefore, no benefit, as well as considerable disbenefit, to the supply of affordable housing in delaying the debate on this policy as sufficient detail exists on the fundamental basis of the policy, as set out in the Plan, and where details of the operation of the policy are being progressed.</p> <p>Therefore, given that; the principles of the policy are sound; that it directly responds to an earlier States' decision; and is endorsed by the planning inspectors, the Minister considers that the Deputy's amendment to defer consideration of this policy, as an integral part of the revised draft Island Plan, should be rejected.</p> <p>The Deputy's amendment raises specific questions and the</p>

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					<p>Minister would offer the following comment:</p> <p>If this is to become policy, is it a tax? Or is it a levy? The policy is not a direct tax as this approach would have the potential effect of increasing house prices, which would clearly be undesirable. This option was put forward by a number of parties a during the early consultation phase of the white paper and was rejected by the Minister, a decision subsequently endorsed by the inspectors at the original EiP. The policy is, however, likely to have a longer term effect of reducing land values, which is more desirable as this can be the single most significant cost to the price of a dwelling.</p> <p>Are there better ways of imposing such a charge? If it is a levy why is it imposed just on residential accommodation? Could (should?) it be imposed across all development, including commercial office blocks? What is the likely impact on the market? A wide range of options were put forward in the affordable housing report and also by consultees making comments on the white paper. All of these were considered, but it was the version in the draft plan that was selected as offering the best opportunity for delivering affordable housing in Jersey and this approach has been endorsed by the inspectors. In addition it would be <i>ultra vires</i> to impose a planning obligation agreement to provide affordable housing on planning development schemes that do not have any residential element to them.</p> <p>If monies are to be raised from this scheme, how are they to be allocated? Traditionally, the Treasury does not like ring-fencing, yet this would presumably have to be agreed in order to achieve the aims of the policy. The concept of ring-fencing monies obtained through the imposition of planning obligation agreements is already successfully deployed by the Department. There will be the need to develop a financial framework in which this policy can successfully operate and this will be set up and agreed prior to it's operation. There are no significant barriers preventing this from being achieved in the timeframe envisaged.</p>
56.	37th Amendment, Part 6 (P48./2011) – Island path network	Island path network	An amendment made by Deputy J.A.N Le Fondre of St. Lawrence to insert new text, a new proposal 20 (Island path network) and amendment to policy NE8 - Access and awareness to produce a holistic plan for the development of a comprehensive network of off road footpaths, bridle paths and cycle paths across the Island.	Minister minded to accept	The Minister supports this proposed amendment and notes that the key to its delivery is the engagement and support of those stakeholders responsible for the management and maintenance of the existing network.

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56a	Amendment to 37th amendment by Deputy Wimberley		<i>In the new Proposal 20 for the words "of a network of off-road footpaths, bridle paths and cycle routes across the Island, including the protection, improvement and expansion of the existing network" substitute the words "of networks for pedestrians, cyclists and horse-riders across the island, including the protection, improvement and expansion of existing networks or fragments".</i>	Minister minded to accept	The Minister supports the proposed amendment and would reiterate the comment made in relation to the original amendment.
57.	38th Amendment, Part 1 (P48./2011) - Policy GD1 - General Development Considerations	Policy GD1 - General Development Considerations	An amendment made by Connetable of St. Helier to Policy GD1 - General Development Considerations (page 55), in paragraph 5c, after the words 'space for parking' insert the words ', including for visitors and servicing;''	Minister minded to accept	The Minister is minded to accept the amendment but would suggest that it is superfluous and unnecessary on the basis that the term 'adequate space for parking' includes all type of parking, including operational parking space (which includes space for loading, unloading and manoeuvring); non-operational parking space; resident spaces; visitor spaces; and even bike parking. The definition of 'adequacy', relative to the provision of parking will be addressed through the development of, consultation upon and adoption of supplementary planning guidance.
58.	38th Amendment, Part 2 (P48./2011) - Policy GD3 - Density of Development	Policy GD3 - Density of Development	An amendment made by Connetable of St. Helier to Policy GD3 - Density of Development (page 59), after the words 'commensurate with good design' insert the words ', adequate amenity space and parking,'''	Minister minded to accept	The Minister is minded to accept this amendment on the basis that it simply serves to highlight the issues that need to be considered within the context of good design for higher density development. Policy H6: Housing development within the Built-up Area (pp260-261), and its pre-ambule (specifically para 6.153) already sets out these issues within the context of new residential development. The key test, relative to the substance of the Connetable's amendment, is 'adequacy', which will be assessed against standards to be provided through the development, consultation upon and adoption of supplementary planning guidance about residential design standards; density and parking, as set out in the Plan at Appendix A.
58a	Amendment to 38th amendment by Deputy Wimberley		<i>After the word "parking" insert the words "(bearing in mind the potential for reducing the need for car ownership by the creation of car pooling schemes and other methods)".</i>	Minister minded to accept	The Minister is minded to accept this amendment to the amendment in that it serves to highlight some of the opportunities available to ensure higher density of development and more efficient use of land whilst meeting people's travel and transport requirements.
59.	38th Amendment, Part 3 (P48./2011) - Policy GD4 - Planning obligations	Policy GD4 - Planning obligations	An amendment made by Connetable of St. Helier to Policy GD4 - Planning obligations (page 61), in the second paragraph, after the word, 'including' insert the words 'the provision of amenity space, public parking'	Minister minded to accept	The Minister accepts the amendment but would comment that the policy is not designed to feature an exhaustive list of potential planning obligation requirements. Supplementary planning guidance can be used to do this and the Minister sets out his intent to review the current supplementary planning guidance on planning obligation agreements, as set out at Appendix A of the Plan

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60.	38th Amendment, Part 4 (P48./2011) - Policy GD9 - Signs and advertisements	Policy GD9 - Signs and advertisements	<p>An amendment made by Connetable of St. Helier to Policy GD9 - Signs and advertisements (page 69) at the end of the Policy insert a new paragraph as follows-</p> <p><i>'The implementation of a network of pedestrian and cycle routes, particularly in urban areas, may require extensive signage to ensure awareness and safety. Transitional and/or time-limited signage may be approved that is larger and more intrusive than would otherwise be approved.'</i></p>	Minister minded to accept subject to further amendment	<p>Further amendment</p> <p>Delete proposed paragraph and, instead, after the words 'road traffic sign or navigational equipment' in paragraph 1.52 (page 69) insert a new paragraph, as follows:</p> <p>"Official signage displayed in relation to transport infrastructure, including pedestrian and cycle routes and facilities, is generally classed as a form of approved advertisement which does not require permission. Where new pedestrian and cycle transport infrastructure is provided, whether it is on-road; off-road; urban; or rural, the Minister for Planning and Environment would expect to work closely with the highway authorities to ensure that the need for the public awareness and promotion of new facilities; the safety of all road users; and the quality and impact of signage on the character of the area, were taken into account, in accord with the spirit of this policy."</p> <p>Comment</p> <p>Whilst the Minister can accept the need to ensure awareness of and appropriate signage for new and existing transport facilities, this needs to be balanced and considered against its impact on the environment and character of an area.</p> <p>There is perhaps a perception that the urban environment has a greater capacity to accept more signage, however, the Connetable of St Helier will perhaps be more aware than most - from his work with the former Urban Renewal Sub-Committee and the St Helier Street Life Programme to improve and enhance many of the town's streets through the removal of much of their 'visual clutter' - that the quality and character of the urban environment can be very much affected by the extent and detail of small features, such as street furniture, including bins, benches, lights and signs. On this basis, the emphasis should be on the quality of signage.</p> <p>Most significant to the consideration of this amendment, however, is the fact that it is not a matter for Island Plan policy. This is because official signage associated with the transport network is exempt from planning control. This is governed by and set out in the Planning and Building (Display of advertisements) (Jersey) Order.</p> <p>Notwithstanding, the Minister for Planning and Environment would expect that his department would work closely with the highway authorities, as it has done in the past, to deliver new transport infrastructure that people are aware of; is safe to use; and which minimises its impact on the environment.</p> <p>The Minister has, therefore, put forward a further amendment</p>

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					which takes into account the above comment whilst seeking to embody the intent of the original amendment.
61.	38th Amendment, Part 5 (P48./2011) - Policy NE8 - Access and awareness	Policy NE8 - Access and awareness	An amendment made by Connetable of St. Helier to Policy NE8 - Access and awareness (page105) after the words, 'coast and countryside' insert the words ', and which assist in the provision of the Island's provision of off-road walking and cycling routes,'"	Minister minded to accept	The Minister is minded to accept the amendment but would suggest that it is superfluous and unnecessary on the basis that the term 'facilities that encourage and enhance access to the coast and the countryside' in Policy NE8, and expanded upon in the pre-amble at para 2.95, embraces the <i>provision of off-road walking and cycling routes</i> referred to in the amendment.
62.	38th Amendment, Part 6 (P48./2011) - Policy HE1 - Protecting listed buildings and places	Policy HE1 - Protecting listed buildings and places	An amendment made by Connetable of St. Helier to Policy HE1 - Protecting listed buildings and places (page 112) at the end of the Policy insert a new paragraph as follows- <i>'Planning applications in respect of listed buildings or places will be exempt from planning fees where such fees would not have been payable were the building or place not listed.'</i>	Minister minded to accept subject to further amendment	<p>Further amendment</p> <p>Replace 'except that in Policy HE1 - Protecting listed buildings and places (page 112) at the end of the Policy'</p> <p>with</p> <p>After the words 'front elevation of the main building' in para. 3.18, page 112, add the following words:</p> <p>"Listed buildings and places do not enjoy the same permitted development rights of other properties, as a consequence of the need for the greater regulation of change to historic fabric. To ensure that the owners of these properties are not treated unfairly and required to pay fees for works which would otherwise be deemed to exempt from planning control, the Minister for Planning and Environment will amend the planning fee schedule, which is regulated by order."</p> <p>And, after the words 'as they are in England' at the end of para. 3.18, page 112, add</p> <p>'Proposal 7: Listed buildings and permitted development'</p> <p>to read as follows: -</p> <p>'The Minister for Planning and Environment will amend the Planning and Building (Fees) (Jersey) Order to ensure that planning applications in respect of listed buildings or places will be exempt from planning fees to the extent that such fees would not have been payable were the building or place not listed.'</p> <p>And to renumber the subsequent proposals, as necessary.</p> <p>Comment</p> <p>The Minister is sympathetic to the intent of the proposed amendment. The substance of it is not, however, a matter of Island Plan policy but is regulated through the Planning and Building (Fees) (Jersey) Order, which is revised annually by the Minister for Planning and Environment and tabled before the States.</p>

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					<p>On this basis, it is considered more appropriate to add a new proposal to the Plan to reflect this intent, rather than to append it to a policy.</p> <p>Financial and manpower implications</p> <p>The loss of planning fees resulting from the original amendment would need to be recovered through the adjustment of other planning application fees levied by the Minister for Planning and Environment by way of amendment to the Planning and Building (Fees)(Jersey) Order.</p>
62a	Amendment to 38th amendment by Deputy Wimberley	<i>For the words "where such fees" substitute the words "to the extent that such fees".</i>		Minister minded to accept subject to further amendment	The Minister is minded to accept this on the basis of his response to Amd. 38 (part 6) above.
63.	38th Amendment, Part 7 (P48./2011) - St Helier Country Park.	St Helier Country Park. Objective BE2 - Regeneration of St Helier and Proposal 9: Public Realm Strategy	<p>An amendment made by Connetable of St. Helier to Objective BE2 - Regeneration of St Helier objectives (pages 128 - 129), after paragraph 5 insert a new paragraph as follows-</p> <p><i>'Promote and enable access to the countryside for the residents of St Helier through the creation of a St Helier Country Park'</i></p> <p>(b) in Proposal 9: Public Realm Strategy (page 135) after the words 'of St Helier's public realm.' insert a fifth bullet point as follows-</p> <p><i>'Consult upon and develop the proposal to designate a St Helier Country Park in the countryside immediately to the north of the Town as shown on the Map attached at Appendix 1'.</i></p>	Minister minded to accept	The Minister supports the principle of the development of a Country Park to promote greater and improved access to the countryside for the residents of the town and is willing to explore the matter further.
64.	38th Amendment, Part 8 (P48./2011) - Objective BE2 - Regeneration of St Helier objectives	Objective BE2 - Regeneration of St Helier objectives	<p>An amendment made by Connetable of St. Helier to in Objective BE2 - Regeneration of St Helier objectives (pages 128 - 129) for paragraph 8 substitute the following paragraph-</p> <p><i>'8. Create a 'walkable' and 'cyclable' town - with a permanent and continuous network of safe and continuous routes for pedestrians and cyclists to help promote modal change in transport choices;'</i></p>	Minister minded to accept	The Minister supports the proposed amendment on the basis that it accords with and supports other objectives of the revised draft Island Plan and the Sustainable Transport Policy (2010)

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65.	38th Amendment, Part 9 (P48./2011) - Policy BE1 - Town centre vitality	Policy BE1 - Town centre vitality	<p>An amendment made by Connetable of St. Helier to in Policy BE1 - Town centre vitality (page.136 - 137)</p> <p>a) after paragraph 6 insert new paragraphs as follows '<i>7. support the provision of improved cycling and public transport links serving the Core Retail Area</i></p> <p><i>8. support the provision of adequate off-street parking for shoppers and visitors to the Core Retail Area;</i></p> <p>b) in paragraph 7(d) (as originally numbered) after the word 'pedestrians' insert the words '<i>and cyclists;</i>'"</p>	Minister minded to accept	<p>The Minister supports the proposed amendment on the basis that it accords with and supports other objectives of the revised draft Island Plan and the Sustainable Transport Policy (2010).</p> <p>It is relevant to note, however, that support for the provision of off-street parking for shoppers and visitors will need to be made within the context of Policy TT10.</p>
66.	38th Amendment, Part 10 (P48./2011) - Proposal 11 - St Helier Regeneration Zones	Proposal 11 - St Helier Regeneration Zones	<p>An amendment made by Connetable of St. Helier to Proposal 11 - St Helier Regeneration Zones (page 148) after the words '5. Old Harbours' insert a new area as follows '<i>6. Eastern gateway', and modify Map 4.1 accordingly as shown on the map attached at Appendix 2.</i>'"</p>	Minister minded to accept	<p>This area has been, and is likely to continue to be, the subject of change as a result of several factors, including the development of the St. Helier Waterfront and structural change to the Island's tourism industry. On this basis, the Minister accepts that further work is required to provide a more detailed planning framework for the management of change and regeneration of the area and that the definition of a further Regeneration Zone for St Helier's eastern gateway, as set out in the amendment, would enable this.</p>
67.	38th Amendment, Part 11 (P48./2011) - Policy BE7 - Shop fronts	Policy BE7 - Shop fronts	<p>An amendment made by Connetable of St. Helier to Policy BE7 - Shop fronts (page 162) at the end of paragraph 1 delete the word 'and', and insert a new paragraph as follows '<i>2. it improves facilities for the storage and collection of refuse, including recyclables; and' and renumber the following paragraphs accordingly.</i>'"</p>	Minister minded to accept subject to further amendment	<p>Further amendment</p> <p>Delete 'except that in Policy BE7 – Shop fronts (page 162) at the end of paragraph 1 delete the word 'and'', and replace with</p> <p>"except that in Policy GD1 – General development considerations (page 54) after the words 'and other service infrastructure.' at para. 1. d.' insert the new paragraph as follows:</p> <p>'e. it improves facilities for the storage and collection of refuse, including recyclables (in accord with WM5)'"</p> <p>Comment</p> <p>The Minister is entirely sympathetic with the Connétable's objective in relation to the need for shops, particularly in the Island's principal shopping streets of St Helier, to be able to store waste material easily and for the parish authorities to be able to collect it most efficiently.</p> <p>But this is a matter not just for shops, but for all new</p>

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					<p>development, including redevelopment, and the matter is already addressed in the revised draft Island Plan at Policy WM5 (pp424 – 425, 2nd para. and 6 subsequent bullet points) and, with specific reference to retail development, is also highlighted in policies ER7 and ER8.</p> <p>The Minister accepts that there is merit in giving greater prominence to this policy objective by ensuring additional cross-referencing elsewhere in the Plan, but is of the view that Policy BE7 – which is essentially about the design of shop fronts – is not the place to do it. Rather, the Minister considers that it is more appropriate to amend Policy GD1 General development considerations – which is a generic policy that will apply to all new development, to better highlight this issue and ensure that it is taken into account in the determination of all planning applications, where applicable.</p>
68.	38th Amendment, Part 12 (P48./2011) - Policy BE9 - Street furniture and materials	Policy BE9 - Street furniture and materials	<p>An amendment made by Connetable of St. Helier to Policy BE9 - Street furniture and materials (page164)</p> <p>a) in paragraph 4, after the words 'street trees' insert the words '<i>and benches</i>'</p> <p>b) after paragraph 4 insert a new paragraph as follows-</p> <p><i>'5. street trees are planted in the ground rather than in planters wherever possible.'</i></p>	Minister minded to accept	<p>The Minister supports the proposed amendment which reflects and is consistent with the principles adopted and applied in the implementation of the St Helier Street Life Programme. This has served to enhance and improve many of the town's streets, where the provision of benches and street trees have been integral and important features of their success.</p>
69.	38th Amendment, Part 13 (P48./2011) - Policy ER2 - Protection and promotion of St Helier for shopping	Policy ER2 - Protection and promotion of St Helier for shopping	<p>An amendment made by Connetable of St. Helier to Policy ER2 - Protection and promotion of St Helier for shopping (page 184)</p> <p>a) after the words, 'facilities for shoppers' in the first paragraph insert the words '<i>, including provision of off-street parking for shoppers, and permeable access for cyclists, where possible,</i>'</p> <p>b) after the second paragraph insert a new paragraph as follows-</p> <p><i>'Proposals for the refurbishment or extension of pre-existing retail premises outside the Core Retail Area will be permitted provided that the</i></p>	Minister minded to accept	<p>The Minister supports the proposed amendment on the basis that it accords with and supports other objectives of the revised draft Island Plan and the Sustainable Transport Policy (2010).</p> <p>It is relevant to note, however, that support for the provision of off-street parking for shoppers will need to be made within the context of Policy TT10.</p> <p>It is also relevant to note that the refurbishment or extension of existing retail premises outside of the Core retail Area needs to accord with other retail policies in the Plan otherwise it could lead to the development of large-out-of-town retail developments, with potentially damaging effects for the town of St Helier.</p>

No.	R&P Ref	Section / Policy	Summary of Amendment	Minister's intent	Comment
			<i>development accords with other retail policies of the Plan"</i>		
70.	38th Amendment, Part 14 (P48./2011) - Policy ER6 - Take-away food outlets	Policy ER6 - Take-away food outlets	An amendment made by Connetable of St. Helier to Policy ER6 - Take-away food outlets (page 188) after the words 'General development considerations' at the end of the first paragraph, insert the words, ', and having regard to their impact on neighbouring uses, especially residential accommodation.'"	Minister minded to accept	The Minister is minded to accept the amendment but would suggest that it is superfluous on the basis that the requirement to have regard to the impact on neighbouring uses is an integral element of Policy GD1 (specifically GD1 (3) and, with regard to implications of hot-food takeaways GD1(3)(c)).
71.	38th Amendment, Part 15 (P48./2011) - Policy EVE2 - Tourist Destination Areas	Policy EVE2 - Tourist Destination Areas	An amendment made by Connetable of St. Helier to Policy EVE2 - Tourist Destination Areas (page 220) at the end of the third bullet point, after the words 'public transport users' insert the words 'and associated signage'	Minister minded to accept	The Minister is minded to accept the amendment but does so on the basis of the qualification set out in relation to Part 4 of the amendment.
72.	38th Amendment, Part 16 (P48./2011) - Footpath provision and enhancement	Paragraph 8.36 - Footpath provision and enhancement	An amendment made by Connetable of St. Helier to section 8.36 - Footpath provision and enhancement (page 300) delete from the list of improvement lines to be abandoned 'La Pouquelaye' and 'Tower Road'	Minister minded to accept	The Minister is only too willing to support the Parish of St Helier's proposals to provide footpaths on Tower Road and La Pouquelaye and thus supports this amendment. It is relevant to note that no comment from the Parish of St Helier was received, relative to this proposal, in relation to the consultation draft Island Plan (September 2009).
73.	38th Amendment, Part 17 (P48./2011) - Policy TT2 - Footpath provision and enhancement	Policy TT2 - Footpath provision and enhancement	An amendment made by Connetable of St. Helier to Policy TT2 - Footpath provision and enhancement (page 301)- a) In the title, after the word 'enhancement' insert the words ', and walking routes'; b) after the first paragraph, insert a new paragraph as follows- 'The ability of development to contribute to the improvement of the Island's provision of off-road walking routes will be pursued, especially where safe routes between residential areas, schools, play space, sporting and cultural facilities, et cetera. can be identified.'"	Minister minded to accept	The Minister supports the proposed amendment on the basis that it accords with and supports other objectives of the revised draft Island Plan and the Sustainable Transport Policy (2010).

No.	R&P Ref	Section / Policy	Summary of Amendment	Minister's intent	Comment
74.	38th Amendment, Part 18 (P48./2011) - Policy TT5 - Road safety	Policy TT5 - Road safety	An amendment made by Connetable of St. Helier to Policy TT5 - Road safety (page 309) after the words, 'pedestrian safety measures' in the first paragraph insert the words ', including improved pedestrian crossing facilities'''	Minister minded to accept	The Minister supports the proposed amendment on the basis that it accords with and supports other objectives of the revised draft Island Plan and the Sustainable Transport Policy (2010).
75.	38th Amendment, Part 19 (P48./2011) - Policy TT10 - Off-street public parking provision in St Helier	Policy TT10 - Off-street public parking provision in St Helier	<p>An amendment made by Connetable of St. Helier to Policy TT10 - Off-street public parking provision in St Helier (page 322)-</p> <p>a) in the first paragraph, for the words 'unless the total level of public off-street car provision falls below 4,000 spaces (2009 levels)' substitute the words, 'unless the new spaces will be provided for the use of shoppers and visitors'</p> <p>b) in the second paragraph, after the words 'car parking space', insert the words, 'at new sites capable of providing parking for shoppers, visitors and residents, and at'</p> <p>c) in the final paragraph, after the words 'will not be permitted' insert the words ', except where parking for shoppers, visitors and residents can be provided on a temporary basis.'</p>	Minister minded to accept subject to further amendment	<p>Further amendment</p> <p>Delete parts a), b) and c) of the proposed amendment and, instead, after the words 'in lieu of the loss of private off-street parking provision' add a new paragraph, as follows: -</p> <p>"During the Plan period, the Minister for Planning and Environment will support proposals that increase the proportion of short-stay off-street public parking and which limit or reduce the quantity of long-stay off-street public parking in St Helier, in accord with the objectives of the Sustainable Transport Policy (2010), and in accord with the overall level of off-street public parking provision permitted."</p> <p>Comment</p> <p>The Minister is sympathetic to the intent of the proposed amendment, which seeks to increase the level of short-stay off-street public parking – of benefit to visitors to the town, be they shoppers or tourist. As drafted, however, the Minister considers that parts a), b) and c) of the proposed amendment would have damaging consequences for the objectives of both the revised draft Island Plan and the Sustainable Transport Policy (2010).</p> <p>More car parking – the Connétable's amendment simply seeks to increase the overall level of supply of parking. Not only would this undermine the objective of seeking to use urban land more efficiently and effectively e.g. to provide homes, it will also encourage rather than discourage more car use, contrary to the objectives of the Sustainable Transport Policy (2010), approved by the States;</p> <p>Undeliverable – the amendment, as drafted, cannot be properly regulated through the planning system, which is designed to control the development of land and not the management of it. Thus, whilst the planning system – including the Island Plan – can be used to regulate the supply of car parking, it is very difficult to regulate and enforce who uses a car parking space through the planning system.</p> <p>In the case of public off-street car parking spaces, this is a matter more appropriately dealt with and managed by the car park operator – through the use of duration of stay (e.g. long and short-stay) and pricing mechanisms – a role currently</p>

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					<p>undertaken by the Minister for Transport and Technical Service's department.</p> <p>On the basis of the above, the Minister for Planning and Environment proposes a further amendment which seeks to support the intent of the original amendment, whilst also seeking to accord with the Sustainable Transport Policy(2010) in a way that is relevant, and not beyond the appropriate remit, of the planning system.</p>
76.	38th Amendment, Part 20 (P48./2011) - On-street public parking provision	Paragraph 8.119, On-street public parking provision	An amendment made by Connetable of St. Helier to paragraph 8.119 (page 323) after the words 'the public realm' insert the words ', including the provision of cycle routes'"	Minister minded to accept	The Minister supports the proposed amendment on the basis that it accords with and supports other objectives of the revised draft Island Plan and the Sustainable Transport Policy (2010).
77.	38th Amendment, Part 21 (P48./2011) - Policy TT11 - Private car parks in St Helier	Policy TT11 - Private car parks in St Helier	An amendment made by Connetable of St. Helier to Policy TT11 - Private car parks in St Helier (page 325) after the word 'permitted' insert the words ' <i>except where the provision of such car parks will contribute to reducing vehicular penetration of, and congestion in, core areas'</i>	Minister minded to accept subject to further amendment	<p>Further amendment</p> <p>After the words 'except where' add a semi-colon and a bullet, together with two new paragraphs, as follows: -</p> <ul style="list-style-type: none"> ○ the provision of such car parks will contribute to reducing vehicular penetration of, and congestion in, core areas; and ○ such car parks replace an existing private non-residential car park within the Ring Road; and ○ there is no net increase in the provision of private non-residential car parking spaces.' <p>Comment</p> <p>The Minister is sympathetic to the intent of the proposed amendment, which seeks to ensure that car parking provision for commuters is made around the edge of St Helier, to discourage traffic from entering the centre of the town. This has many potential benefits, including reduced congestion, pollution and the reduced risk of injury for pedestrians and cyclists in the heart of the town, together with an opportunity for the general enhancement of the quality of the public realm from a reduction in the physical presence of vehicles.</p> <p>The amendment as drafted, however, is unqualified, and essentially provides an exception for the unrestricted provision of car parks for commuters around the edge of the town. It is believed that this is an unintended consequence of the proposed change and is one which is entirely contrary to the stated objective of the Sustainable Transport Policy of the States to reduce the level of car parking for commuters in an effort to secure a 15% reduction in the level of peak hour vehicular traffic flow into St Helier.</p>

No.	R&P Ref	Section / Policy	Summary of Amendment	Minister's intent	Comment
78.	38th Amendment, Part 22 (P48./2011) - Proposal 20 - Parking guidelines	Proposal 20 - Parking guidelines	An amendment made by Connetable of St. Helier to Proposal 20 - Parking guidelines (page 327) after the word 'develop' insert the words ' <i>consult upon,</i>	Minister minded to accept	The Minister regards consultation with key stakeholders and the public in general as an important part of the development of new guidance of this kind, and is happy to accept the amendment.
79.	38th Amendment, Part 23 (P48./2011) - Policy NR8 - Safety zones for hazardous installations	Policy NR8 - Safety zones for hazardous installations	An amendment made by Connetable of St. Helier to Policy NR8 - Safety zones for hazardous installations (page 366) in the last paragraph,- a) after the word 'public', for the words 'will be the overriding consideration' substitute the words ' <i>and the extent to which any risks can be managed or mitigated will be the overriding considerations</i> '; b) before the word 'requirements', insert the word, ' <i>reasonable</i> '	Minister minded to accept	The Minister is willing to accept this amendment and to work with key stakeholders to ensure that considerations of health and safety are proportionate to the extent of risk. With regard to the motivation of this amendment – related to the desire to secure some public access to land at La Colette, acceptance of this amendment may require subsequent of the Plan at page 286, last bullet point, which refers to the use of land at La Collette 2.
80.	Related to Amendment 10 - but not site specific as it only considers light industrial Strategy/provision.	Light Industrial Strategy	This is an additional item raised by Senator Perchard in relation to the Minister's strategy for the provision of light industrial land over the plan period. It is related to his original amendment (10) but will not consider any site specific issues as public representation has already been considered on this matter at the previous EiP and clear recommendations made in the inspector's report.	Minister minded to reject	In light of the falling demand for space and the potential for further contraction in the fulfilment industry due to the uncertainty over the long term prospects of low value consignment relief, the Minister considers that the need for light industrial space can be met from a number of existing sources identified in the draft Plan. This includes Jersey Airport and other existing industrial sites, together with an opportunity to enhance the floorspace of existing operations under proposed changes to the General Development Order. As with all aspects of the draft Plan, supply and demand will be carefully monitored over the plan period and policies may be amended to reflect any significant changes.